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Regulations and Non-Regulatory Revisions to State Implementation Plan: Puerto Rico

Atlantic Environmental Associates, Inc.
Waltham, MA

Prepared for

Environmental Protection Agency
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By

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Contract No. 68-02-3565

EPA Project Officer: Willis P. Beal

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U.S ENVIRONMENTAL PROTECTION AGENCY
Control Programs Development Division
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16. ABSTRACT

This document has been produced in compliance with Section 110(h) of the Clean Air Act, as amended in 1977, which mandates periodic publication of State Implementation Plan (SIP) requirements. The first section of the document comprises the Federally approved SIP regulations. It consists of the EPA-approved State and/or local air pollution control regulations cited by reference in the Federal Register; regulations promulgated as of August 1, 1981 have been included in this document.

The present compilation constitutes an update of a previous documentation of regulations as of July 1, 1979. State and/or local air quality regulations which have not been Federally approved as of August 1, 1981, are not included. However, any omissions of regulations from this document in no way affects the ability of the respective Federal, State, or local agencies to enforce such regulations. A summary sheet of the regulatory revisions is provided to give a quick historical assessment of the changes.

The second part of the document contains the text of non-regulatory SIP revisions approved by EPA up to August 1, 1981, excluding notices or certifications of public hearings and technical support data. A complete tabulation of these revisions is also provided.

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EPA Form 2220-1 (Rev. 4-77) PREVIOUS EDITION IS OBSOLETE

This report has been reviewed by the Control Programs Development Division of the Office of Air Quality Planning and Standards, EPA, and approved for publication. Mention of trade names or commercial products is not intended to constitute endorsement or recommendation for use. Copies of the entire document are available for inspection and copying at EPA Headquarters (401 M Street SW, Washington, DC 20460), EPA's Office of Air Quality Planning and Standards (Room 826, 411 West Chapel Hill Street, Durham, NC 27701), and the appropriate EPA Regional Offices. Documents containing only the regulatory portions of each State Implementation Plan may be ordered for a nominal fee from the National Technical Information Services, U.S. Department of Commerce, 5285 Port Royal Road, Springfield, Virginia 22161.

PREFACE

This document has been produced in compliance with Section 110(h) of the Clean Air Act, as amended in 1977, which mandates periodic publication of State Implementation Plan (SIP) requirements. The first section of the document comprises the Federally approved SIP regulations. It consists of the EPA approved State and/or local air pollution control regulations cited by reference in the Federal Register; all regulations Federally promulgated as of August 1, 1981 have been included.

The present compilation constitutes an update of a previous documentation of regulations as of July 1, 1979.* State and/or local air quality regulations which have not been Federally approved as of August 1, 1981 are not included. However, any omissions of regulations from this document in no way affects the ability of the respective Federal, State or local agencies to enforce such regulations.

This document is not intended to provide a tool for determining the enforceability of any given regulation. Rather, it is intended to provide a comprehensive compilation of those regulations which are incorporated by reference into Title 40, Part 52, of the Code of Federal Regulations (CFR). The exclusion of a Federally approved regulation from this document does not diminish the enforceability of the regulation. Similarly, the inclusion of a given regulation in this document does not, in itself, render the regulation enforceable by either the State or EPA.

The regulations have been organized in this document according to the official State/local agency format. However, since State air quality regulations vary widely in their organization, content, and language, a standardized subject index has been added. The index listings consist of both pollutant and activity oriented categories to facilitate usage. For example, regulations which apply to copper smelters may be found under sulfur compounds (50.2), particulate matter process weight (50.1.1), or copper smelters (51.15). Federal regulations pertaining to a given State are not included herein but can be found under Title 40 Code of Federal Regulations, Part 52.

Additionally, a summary sheet of the regulatory revisions is included to provide a quick historical assessment of the changes. These summary sheets contain the date of submittal to EPA of each revision and the Federal Register publication date on which the revision was approved by EPA. A brief description of the regulation which was submitted is also included.

In accordance with the Act, the second part of the document contains non-regulatory SIP revisions approved by EPA up to August 1, 1981. All approved non-regulatory revisions listed under Identification of Plan in the CFR are included except notices or certifications of public hearings, and technical support data. Non-regulatory submittals which have only received EPA approval on selected elements are included in their entirety with an accompanying indication of the status of Federal actions on the non-approved elements. The non-regulatory revisions have been organized in this document according to the date of publication of EPA approval in the Federal Register. For historical completeness, a complete tabulation of these revisions is provided at the beginning of this second section.

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* Regulations and Non-Regulatory Revisions to State Implementation Plan: Puerto Rico, EPA-450/2-80-060, prepared under Contract 68-02-3388, July 31, 1980.

SUMMARY OF
EPA-APPROVED REGULATORY REVISIONS TO TERRITORY OF PUERTO RICO SIP
BETWEEN JULY 1, 1979 AND JULY 31, 1981

Publication of Approval	Submittal Date	Page	Document Description
11/03/80	07/24/80	45FR72658	"Regulation for the Control of Atmospheric Pollution."

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PART I - GENERAL PROVISIONS

RULE 101 - TITLE

This set of rules shall be known as the REGULATION FOR THE CONTROL OF ATMOSPHERIC POLLUTION OF THE COMMONWEALTH OF PUERTO RICO.

RULE 102 - DEFINITIONS

Actual Emission

The emission from a source at a given time as determined by performances tests or estimated through emission factors, or other approved methods such as mass balance calculations.

Air Pollutant

Dust, fumes, mist, smoke, other particulate matter, vapors, gases, odors, physical, chemical, biological, or radioactive substances, or any combination thereof, but not including uncombined water vapor.

Air Pollution

The presence in the outdoor atmosphere of one or more air pollutants in such quantities and for such duration as could be injurious to human health or welfare, animal or plant life, or property, or which interferes with the enjoyment of life or property, or which violates any standard established in this Regulation or under the Federal Clean Air Act.

Air Pollution Control Equipment

Any process (including a sulfur recovery plant) equipment, device, and all appurtenances thereto, used for eliminating, reducing, or controlling the emission of any air pollutant, and which according to the regulatory agencies is not vital to the production of the source.

Agricultural Burning

Burning or combusting of sugar cane, pineapple prunings and rice hulls and stubbles on the fields where grown, when said fields are in active use for the raising of crops for commercial purposes.

Agricultural Wastes

Any discarded material, solid or liquid, produced as a result of agricultural activities, except pineapple prunings and rice hulls and stubbles.

Allowable Emissions

The maximum emissions permitted after the application of the controls required under any air pollution control law, regulation, or enforceable document issued by the Board.

Ambient Air

Any unconfined portion of the atmosphere; open air, outdoor atmosphere.

Asphaltic Concrete Batching Plant

Any facility used to manufacture asphalt concrete by heating and drying the aggregate and mixing it with asphaltic cements, comprised only of any combination of the following: dryer systems for screening, handling, storing and weighing hot aggregates; systems for loading, transferring and storing filler minerals; systems for mixing asphalt concrete; and the loading transfer, and storage systems associated with emission control systems.

Baseline Concentration (RESERVED)

Baseline Emissions

The total emissions form existing source's or facilities allowed under the applicable rules and regulations, prior to the application for location approval of a new major source, major facility or major modification.

Best Available Control Technology (BACT)

The emission limitation (including a visible emission standard) based on the maximum degree of reduction of any pollutant emitted from a source, determined achievable for said source or facility by the Board (taking into consideration energy, environmental, economic impact, and other costs), and which no event shall be less stringent than the Standards of Performance for New Stationary Sources (SPNSS), the National Emission Standards for Hazardous Air Pollutant (NESHAPS) and the applicable standards established in this Regulation.

Blending of Fuels

The mixing or combination of different fuels at the source premises to produce a fuel of new characteristics for use in fuel burning equipment.

Board, the

The Environmental Quality Board of the Commonwealth of Puerto Rico.

Burning of Multiple Fuels

The simultaneous use of different grades of liquid fuels or the simultaneous use of liquid, gaseous and solid fuels, or any combination thereof, inside the combustion chamber of any fuel burning equipment.

Burning or Incineration

The complete or incomplete combustion of any material.

Commenced

The owner or operator of a source has obtained all necessary preconstruction approvals or permits required by Federal and Commonwealth of Puerto Rico air pollution control laws and regulations, whichever applicable, and either has (i) begun, or caused to begin, a continuous program or physical on-site construction of such source, or (ii) entered into binding agreements or contractual obligations, which cannot be canceled or modified without substantial loss to the owner or operator, to undertake a program of construction of such source, to be completed within a reasonable time.

Dispersion Models

Mathematical techniques which simulate the atmospheric transport of pollutants for the purpose of estimating concentrations of air pollutants which may be or are emitted from a source or facility.

Dispersion Techniques

Any method which attempts to affect the concentration of a pollutant in the ambient air by:

1) The use of that portion of stack which exceeds good engineering practice stack height;
2) Varying the rate of emission of a pollutant according to atmospheric conditions or ambient concentrations of that pollutant; or
3) The manipulation of process parameters, exhaust gas parameters, stack parameters other than height, or other selective handling of exhaust gas plume rise, (except the reheating of a gas stream following use of a pollution control system, for the purpose of returning the gas to the temperature at which it was originally discharged from the source generating the gas stream).

Emission

The release or discharge of air pollutants into the ambient air.

Emissions Factor

Estimated averages of the rate at which pollutants are released to the ambient air as specified in the latest version of USEPA Publication No. AP-42, "Compilation of Air Pollutants Emission Factors", or such other factors as may be approved by the Board.

Emission Offset

Emission reduction provided from an existing source or facility obtained by the owner or operator for a new major source, major facility or major modification when applying for a location approval or construction permit in order to furnish air quality benefit in the area.

Facility

Any structure, building, source, installation (or combination thereof), which is located on one or more contiguous or adjacent properties under common ownership or operation, which emits or may emit any air pollutants.

Fuels

Any liquid, solid, or gaseous substance burned to produce heat or power.

Fuel Burning Equipment

Any furnace boiler, apparatus, stack, and all appurtenances thereto, used in the process of burning fuel for the primary purpose of producing heat or power by indirect heat transfer.

Fugitive Dust

Particulate matter which is or may be emitted from any activity other than through a stack, chimney or vent.

Garbage

Animal and vegetable matter originating in houses, kitchens, restaurants, hotels, produce markets, and similar places.

Good Engineering Practice Stack Height .

That stack height necessary to ensure that emissions from the stack do not result in excessive concentrations of any air pollutant in the immediate vicinity of the source as a result of atmospheric downwash, wakes, or eddy effects which may be created by the source itself, nearby structures, or nearby terrain obstacles and shall not exceed as appropiate:

(1) 30 meters,

(2) For stack influenced by structures or terrain

(a) $H_G = H + 1.5 L$

where

H_G = good engineering practice stack height

H = height of structure or nearby structure

L = lesser dimension (height or width) of the structure or nearby structures; provided that the Board may require that a field study of fluid model be used (1) to determine the good engineering practice stack height for the source, or (2) for existing sources with stack heights less than good engineering practice, as determined by the equation, to demonstrate the existence of an air quality problems, attributable to downwash, wakes, or eddy effects on such source as justification for use of the equation based good engineering practice stack height.

(b) such height as an owner or operator of a source demonstrates throught the use of a field study or fluid model is necessary to ensure that emissions from the stack do not result in excessive concentrations of any air pollutant in the immediate vicinity of the source.

Incinerator

Any apparatus, equipment, and all appurtenances thereof, used for the burning or incineration of refuse or other combustible wastes, either liquid, solid or gaseous.

Increments of Progress

The steps to be taken by the owner or operator for bringing a source into a compliance with applicable rules and regulations, or with any condition imposed by the Board, as specified in an approved compliance plan or on any other legally binding or enforceable document issued by the Board.

Lowest Achievable Emission Rate (LAER)

The most stringent emission limitation for a category of sources which is achieved in practice, or the most stringent emission limitation which is contained in the implementation plan of any State for such class or category (unless the owner or operator of the proposed source demonstrates to the satisfaction of the Board that such limitations are not achievable), which ever is more stringent. In no event shall the application of this term permit a proposed new or modified source to emit any pollutant in excess of the amount allowable under applicable SPNSS and NESHAPS.

Major Facility

Any facility that includes two or more sources having a potential to emit any air pollutant in an amount equal to or greater than the levels specified under the major source definition, or which comprises a major source.

Major Modification

A modification to a major source resulting in a significant net increase in that source's potential to emit any pollutant. A significant net increase shall be defined, according to pollutant, by the following levels:

Pollutant	Increase
Carbon Monoxide	100 tons/year
Nitrogen Dioxide	10 tons/year
Total Suspended Particulates	10 tons/year
Sulfur Dioxide	10 tons/year
Ozone	10 tons/year of hydrocarbons
Lead	1 ton /year

Major Source

Any of the following sources which have potential to emit one hundred tons per year or more of any air pollutant from the following types of stationary sources: fossil-fuel fired steam electric plants of more than two hundred and fifty million British thermal units per hour heat input, coal cleaning plants (thermal dryers), kraft pulp mills, Portland Cement plants, primary zinc smelters, iron steel mill plants, primary aluminum ore reduction plants, primary copper smelters, municipal incinerators capable of charging more than two hundred and fifty tons of refuse per day, hydrofluoric, sulfuric, and nitric acid plants, coke oven batteries, sulfur recovery plants, carbon black plants (furnace process), primary lead smelters, fuel conversion plants, sintering plants, secondary metal production facilities, chemical process plants, fossil-fuel boilers (or combinations thereof) totaling more than two hundred and fifty million British thermal units per hour heat input, petroleum storage and transfer facilities with a capacity exceeding three hundred thousand barrels, taconite ore processing facilities, glass fiber processing plants charcoal production facilities. Such term also includes any other source with the potential to emit two hundred and fifty (250) tons per year or more of any air pollutant, PROVIDED THAT, in the case of a source locating in a non-attainment area, or the emission of which may significantly a non-attainment area, such term means any source having the potential to emit one-hundred tons per year (100 tons/year) or more of any air pollutant.

Malfunction

Any failure of air pollution control equipment or process equipment, or of a process to operate in a normal or usual manner.

Manufacturing Waste

Solid or liquified material or rubbish resulting from the operation of any business, construction activity, building, or industrial operation, such as plastic products, carton, paints, grase, oil, and other petroleum products, chemicals reagents, cinders, and other forms of solid or liquid waste material, or any other substances classified as hazardous material.

Maritime Vessel

Any type of watercraft or other artificial contrivance used, or capable of being used, as a means of transportation on water.

Mass Emissions Rate

The average rate at which a pollutant is actually released to the ambient air from any activity, such as combustion or industrial process, expressed in weight or mass per unit time.

Maximum Allowable Increments (RESERVED)

Modification

Any physical change in or change in the method of operation of a source, that would result in a net increase in that stationary source's potential to emit any air pollutant regulated under this regulation or under the Federal Clean Air Act.

A physical change shall not include routine maintenance, repair and identical replacement.

A change in the method of operation, unless previously limited by enforceable permit conditions, shall not include:

(a) Use of an alternative fuel or raw material by reason of an order in effect under Section 2 (a) and (b) of the Energy Supply and Environmental Coordination Act of 1974 (or any superseding legislation), a prohibition under the Power Plant and Industrial Fuel Use Act of 1978 (or any superseding legislation), or by reason of a natural gas curtailment plan pursuant to the Federal Power Act;

(b) Use of an alternative fuel or raw material, if prior to December 21, 1976, the source was capable of accommodating such fuel or material;

(c) Use of the alternative fuel by reason of an order or rule under Section 125 of the Act;

(d) Change in ownership of the stationary source; or

(e) Use of refuse derived fuel generated from municipal solid waste.

Where the new emission unit is a replacement for an emission unit that is being shutdown in order to provide the necessary reductions, the Board may allow up to 180 days for shakedown of the new emission unit before the original emission unit is required to cease operation.

For a series of changes in a stationary source to satisfy the requirement of "no net increase", all of the following must be satisfied:

(a) All reductions and all increases must be for the same pollutant;

(b) The sum of all decreases must be greater than or equal to the sum of all increase; and

(c) The air quality of the affected area must not be adversely impacted.

In performing the calculation to determine whether the sum of all decreases is greater than or equal to the sum of all increases, the following rules shall apply:

(a) Subject to the following adjustments, the size of an increase or decrease is determined by the difference between the potential to emit of the changed emission unit before and after the change.

(b) If potential to emit for a changed emission unit was initially higher than allowable emissions, then no offset credit may be taken for decreasing potential to emit to allowable emissions.

(c) The size of increases and decreases will generally be made on a pound per hour basis. When reductions are proposed on a tons per year basis, actual annual operating hours for the previous one or two-year period will be used, as appropiate.

National Ambient Air Quality Standards (NAAQS)

The primary and secondary national ambient air quality standards set forth by the US Environmental Protection Agency in 40 CFR, Part 50.

National Emission Standards for Hazardous Air Pollutants (NESHAPS)

The national emission standards for hazardous air pollutants setforth by the US Environmental Protection Agency in 40 CFR, Part 61.

Non-Attainment area

With regard to any air pollutant, an area which is shown by monitoring data, or by air quality modeling (or other methods determined by the Board to be reliable), to exceed any NAAQS for such pollutant.

Non-Process Source

Any source other than a process source

Opacity

A state which renders a material or substance partially or totally impervious to the transmission of visible light and is expressed as the percentage of light obstructed.

Open Burning

Burning, incineration, or any fire where the products of combustion are emitted directly into the ambient air, without passing through a stack, chimney or vent.

Organic Compounds

Any chemical substance which contains carbon, excluding carbon monoxide, carbon dioxide, carbonic acid, metallic carbides, metallic carbonates and ammonium carbonate.

Organic Solvents

Organic materials which are liquids at standard conditions, including, but not limited to, diluents and thinners, and which are used as dissolvers, viscosity reducers or cleaning agents.

Owner or operator

Any person who owns, leases, operates, controls or supervises a source or facility.

Particulate Matter

Any material in solid or liquid form sufficiently subdivided into small particulates as to be susceptible to dispersion and suspension or to be carried by currents of air or other gases, except water in its uncombined state.

Person

Any person, natural or juridicial, or group of persons, private or public, including agencies, government bodies, municipalities and public and quasi-public corporations.

Plant Life

Vegetation such as trees, tree branches, leaves, yard trimmings, shrubbery, grass, weeds and crops.

Potential to Emit

The capability, at maximum design capacity, to emit a pollutant after the application of air pollution control equipment, taking into consideration any enforceable permit conditions regarding the type of materials to be combusted or processed and the physical impossibility in the operation of the source.

Process Source

A source from which emissions are, in whole or in part, the result of a manufacturing process that produces a chemical change in any of the materials or substances used in that process.

✓ Reasonable Available Control Technology (RACT)

The lowest emission limit that a particular source is capable of meeting by the application of control technology that is reasonably available considering technological and economic feasibility.

Reasonable Further Progress (RFP)

Annual incremental reductions in the emissions of an air pollutant which are sufficient, in the judgement of the Board (and the US EPA Administrator), to provide for the attainment of the applicable NAAQS by the date specified in the SIP of Puerto Rico.

Refuse

Garbage, rubbish, manufacturing wastes, and sludge resulting from the treatment and purification of wastewater and water.

Refuse Derived Fuel (RDF)

A combustible material of a low to moderate heating value artificially produced by a resource recovery facility.

Resource Recovery Facility

Any facility at which solid waste is processed for the purpose of extracting, converting to energy or otherwise separating and preparing solid waste for reuse or utilizing the solid wastes to provide more than 50% of the heat input.

Rubbish

Solids not considered to be highly flammable or explosive (such as rags, old clothes, leather, rubber, carpets, wood excelsior, paper, ashes, leaves, tree branches, yard trimmings, furniture, incinerator residue, street sweepings, tin cans, glass crockery, masonry, and other similar materials).

Salvage Operation

Any operation or activity from which is reclaimed any product or material, such as metals, chemicals, shipping containers or drums.

Shutdown

The cessation of the operation of a facility, source or air pollution control equipment for any purpose.

Significant Air Quality Impact

An air quality impact equal to or greater than:

		AVERAGING TIME			
POLLUTANT	Annual	24-hours	8-hours	3-hours	1-hour
SO_2	1 $\mu g/m^3$	5 $\mu g/m^3$		25 $\mu g/m^3$	-
Particulate Matter	1 $\mu g/m^3$	5 $\mu g/m^3$	-	-	-
NO_2	1 $\mu g/m^3$	-	-	-	-
CO	1 $\mu g/m^3$	-	0.5 $\mu g/m^3$	-	2 $\mu g/m^3$

Significant Net Increase (see Major Modification)

Source

Any stationary property which causes or may cause the discharge, ventilation, exhaust, or release of any air pollutant, including fugitive dust.

Stack

Any chimney, flue, conduit or duct arranged to exhaust emissions into the ambient air.

Standards Conditions

A temperature of 20° centrigrade (68°Fahrenheit) and a pressure of 760 mm Hg (one atmosphere).

Standards of Performance for New Stationary Sources (SPNSS)

The performance standards adopted by the US Environmental Protection Agency for new stationary sources as defined in 40 CFR 60.

Toxic or Hazardous Substance

One that demonstrates the potential to induce cancer, tumors, or neoplastic effects in man or experimental animals; to induce a permanent transmissible change in the characteristics of an offspring from those of its human or experimental animal parents; to cause the production of physical defects in the developing human or experimental animal embryo; to produce death in animals exposed via the respiratory tract, skin, eye mouth, or other routes in quantities which are reasonable for experimental or domestic animals; to produce irritation or sensitization of the skin, eyes, or respiratory passages; to diminish mental alertness, reduce motivation, or alter behavior of humans; to adversely affect the health of a normal or disabled person of any age or of either sex by producing reversible or irreversible bodily injury or by endangering life or causing death from exposure via the respiratory tract, skin, eye, mouth, or any other route in any quantity, concentration, or dose reported for any lenght of time, and the substances included in the latest edition of the Toxic Substance List published by the U.S.D.H.E.W., Public Health Soc., Center for Disease

Control, National Institute for Occupational Safety and Health, Rockville, Maryland.

Volatile Organic Compound

Any organic compound which has a vapor pressure of at least 1.47 pounds per square inch absolute (76 mm Hg) under actual storage conditions.

RULE 103 - SOURCE MONITORING, RECORD KEEPING, REPORTING, SAMPLING AND TESTING METHODS

A) The Board may require the owner or operator of any source to install, use, and maintain such monitoring equipment, provide the necessary equipment and appurtenances for the sampling of fuels and emissions, sample ambient air quality, perform such fuel analyses, establish and maintain such records, and make such periodic reports as the Board shall deem necessary. For each major source, moreover, the Board shall, at a minimum, require the owner or operator, at his own expense, to (a) sample ambient air quality, and (b) either sample emissions from each stack or provide an equivalent determination acceptable to the Board.

B) Representatives of the Board, upon presentation of their credentials:

1. Shall have right of entry to, upon, or through any premises where a source is located or where any records are located which are required to be maintained under

this Regulation, or under the Federal Clean Air Act, and

2. Shall have access to, upon request, and copy pertinent records, inspect and examine any monitoring equipment or method to determine its accuracy, and sample emissions of air quality and fuels.

C) All tests shall be made and the results calculated in accordance with test procedures approved by the Board and all tests and calculations shall be certified by an engineer licensed to practice the profession in Puerto Rico. All chemical analyses shall be certified by a chemical engineer or chemist licensed to practice the profession in Puerto Rico.

D) All records and reports required pursuant to this Regulation shall be submitted on forms prescribed by the Board and shall be submitted together with a sworn a statement of affidavit of the corporate President, or a Vicepresident reporting directly to the President, or the highest ranking corporate office in Puerto Rico or a duly authorized representative or of an equivalent responsible officer in the case of the organizations, governments agencies or any other political subdivision.

Such sworn statement or affidavit shall attest to the truth, correctness, and completeness of such records and reports.

E) Emissions of particulate matter, sulfur oxides, and nitrogen oxides and of any air pollutant shall be expressed as follows: in pounds oper hour or kilograms per hour, and pounds per million BTU of heat input or grams per million gram-calories of heat input for fuel burning equipment; in pounds per hour or kilograms per hour and pounds per 100 pounds or grams per kilograms of refuse burned for incinerators; and in pounds per hour or kilograms per hour or tons per year or tons per day, or in some other terms easily measured and meaningfull process unit specified by the Board.

F) The Board may conduct emission tests of air pollutants and sample fuels of any source. Upon request of the Board, the owner or operator of such source to be tested shall provide necessary ports in stacks or ducts, scaffolding and such other safe and proper sampling and testing appurtenances (without including instruments and testing devices, except when required pursuant to other provisions of the Regulations) as may be necessary for proper determination of the emission of air pollutants.

G) Whenever the Board has requested the owner or operator of a source to conduct at his own expense sampling and/or tests in accordance with this Regulation, said owner or operator shall notify to the Board in writing at least fifteen (15) days prior to the performance of such sampling and/or tests, the schedule including the specific date, time and place where such sampling and/or tests shall be conducted.

RULE 104 - EMISSION DATA AVAILABLE FOR PUBLIC PARTICIPATION

A) All emission data obtained by or submitted to the Board, including data reported pursuant to Rule 103 and data obtained in any other way, shall be available for public inspection and may also be made available to the public in any additional ways that the Board may deem appropiate.

B) All such emission data shall be presented in such a manner as to show the relationship between measured or estimated emissions and the emissions allowable under applicable rules and regulations or enforceable permit conditions.

RULE 105 - MALFUNCTION

A) In the event that any source, air pollution control equipment or related equipment breaks down, malfunctions, ruptures, leaks, or is rendered partially or totally inoperative the owner or operator of such equipment shall immediately report to the Board such failure or incident and provide all pertinent available facts, including the estimated duration of the incident. The Board shall be notified in writing not later than one (1) week after the incident. This report shall include specific data concerning the affected source, air pollution control equipment and other related equipment, date, hour and duration of the incident, causes of the incident, and corrective measures taken or to be taken. In the event the malfunction has been corrected within this period of time, the information requested in paragraph E of this Rule shall also be submitted with the written report.

B) If the malfunction which causes air pollution extends or will extend for more than twenty-four (24) hours, the affected facility or source can only be operated to the end of a cycle or within forty-eight (48) hours after the malfunction occurs, whichever is sooner, at which time it shall be shutdown for repairs. Nevertheless, if the malfunction causes the emission of toxic or hazardous substances into the ambient air, the affected source shall immediately cease operations or shall act as specified in its approved emergency response plan pursuant to Rule 107 (C).

C) The facility or source may be operated beyond the limitation in Section B., provided an emergency variance has been granted by the Board in accordance with Rule 302.

D) The occurrence of a malfunction shall not relieve the owner or operator from the responsibility of complying with any substantive provisions of this Regulation.

E) Not later than one week after correction of a malfunction incident, the owner or operator shall submit a written report to the Board including:

   1) A certification that the malfunction has been corrected, specifying the date of correction and proof of compliance;

   2) A description of the corrective measures undertaken to avoid such a malfunction in the future;

   3) An estimate of the total emissions caused by the malfunction; and

   4) Pictures of the equipment or controls which failed, whenever available.

RULE 106 - TEST METHODS

A) Compliance with prohibitions and limitations set forth in this Regulation shall be determined by the test methods specified in the following table. All reference methods specified are U.S. Environmental Protection Agency regulations pursuant to 40 CFR 60, as amended, except those for sulfur-in-fuel.

B) Equivalent test methods may be used to determine compliance with applicable rules and regulations upon previous approval by the Board, except for the purpose of determining compliance with any SPNSS and NESHAPS.

TABLE I-2

TEST METHODS

POLLUTANT	UNIT	REFERENCE METHOD
Particulate Matter [1/]	Percent Opacity	9
Particulate Matter	Mass emission rate	5
Sulfur Dioxide	Mass emission rate	6
Hydrogen Sulfide	Mass emission rate	11
Sulfur-in-fuel	Percent	ASTM D-1552 ASTM D-3120 and ASTM 270; APT 2546
"Objectionable" odor	Percent	EQB
Sulfuric Acid Mist	Mass emission rate	8

[1/] It is assumed most opacity is produced by particulate matter contained in exhaust gases, although some gaseous pollutants could contribute to the imperviousness of the plume.

RULE 107 AIR POLLUTION EMERGENCIES

This rule is designed to prevent the excessive buildup of air pollutants during air pollution episodes, thereby preventing the occurrence of an emergency, due to the effects of these pollutants on the health of persons.

A) Episode criteria. The Board shall publicly announce the existence of an air pollution alert, air pollution warning, or air pollution emergency whenever the Board determines that the accumulation of air pollutants in any place is attaining or has attained levels which could, if such levels are sustained or exceeded, lead to a substantial threat to the health of persons. In making this determination with respect to SO_2 and particulate matter, the Board will be guided by the following:

1) "Air Pollution Forecast". An internal watch by the staff of the Board shall be activated by a National Weather Service advisory that the Atmospheric Stagnation Advisory is in effect or the equivalent local forecast of stagnant atmospheric conditions.

2) "Alert". The Alert is that concentration of pollutant at which first stage control actions shall begin. An Alert will be declared when any one of the following levels is reached at any monitoring site:

- SO_2 -800 ug/m^3 (0.28 ppm) for 24-hour average.

- Particulate - 3.0 COHs or 375 $\mu g/m^3$ for 24-hour average
- SO_2 and particulate combined-product of SO_2 ppm for 24-hour average, and COHs equal to 0.2 or product of SO_2 $\mu g/m^3$ for 24-hour average and particulate $\mu g/m^3$ for 24-hour average equal to 65 x 10^3.

and meteorological conditions are such that pollutant concentrations can be expected to remain at or increase over the above mentioned levels for 12 or more hours unless control actions are taken.

3) "Warning". The warning level indicates that air quality is continuing to degrade and that additional control actions are necessary. A warning will be declared when any one the following levels is reached at any monitoring site:

- SO_2 -1600 $\mu g/m^3$ (0.56 ppm) for 24-hour average
- Particulate - 5.0 COHs or 625 $\mu g/m^3$ for 24-hour average
- SO_2 and particulate combined - product of SO_2 ppm for 24-hour average and COHs equal to 0.8, or product of SO_2 $\mu g/m^3$ for 24-hour and particulate $\mu g/m3$ for 24-hour average equal to 261 x 10^3,

and meteorological conditions are such that pollutant concentration can be expected to remain at or increase over the above levels for 12 or more hours, unless control action are taken.

4) "Emergency". The emergency level indicates that air quality is continuing to degrade to a level that should never be reached and that the most stringent control actions are necessary. An emergency will be declared when any one of the following levels is reached at any monitoring site:

- SO_2 - 2100 $\mu g/m^3$ (0.73 ppm) for 24-hour average
- Particulate 7.0 COHs or 875 $\mu g/m^3$ for 24-hour average
- SO_2 and particulate combined - product of SO_2 ppm for 24-hour average and COHs equal to 1.2, or product of SO_2 $\mu g/m^3$ for 24-hour average and particulate $\mu g/m^3$ for 24-hour average equal to 393×10^3,

and meteorological conditions are such that this conditions can be expected to continue for 12 hours or more.

5) "Termination". Any status reached by application of these criteria will remain in effect once declared until the criteria for that level are no longer met. At such time, the next lower status will be assumed.

B) Emission Reductions

1) When the Board declares an air pollution alert, warning or emergency, and determines that such condition requires immediate action for the protection of the health of human

beings, the Board will order persons causing or contributing to the atmospheric pollution to reduce their emissions in order to eliminate such condition, or to immediately discontinue the emission of pollutants.

2) Orders issued by the Board pursuant to this Rule will not be subject to hearings prior to compliance.

3) All owners or operators of a source or facility shall have available an emergency plan which must be consistent with adequate safety practices, and which provides for the reduction or retention of the emission from the plant during periods classified by the Board as air pollution alerts, warning or emergencies. These plans will include the reduction to be accomplished for each source and the means by which such reduction will be accomplished. These plans will be available to any representative of the Board at any time.

C) Emergency Response Plan

1) Any source which may release, leak or emit toxic or hazardous substances into the atmospherie shall prepare and submit to the Board together with the application for a permit to construct, permit to operate or renewal of a permit to operate, whichever applicable, an emergency response plan according to the provisions set forth in section 2 of this Rule.

2) Every emergency response plan shall include, at least, the following:

a) Name and location of the source or facility.

b) Name, title and telephone number of the owner or operator of the source or facility.

c) Possible sources which may cause incidental emissions, releases or leaks.

d) Type and amount of substance which may be emitted, released or leaked.

e) Details of any prevention measure and counter measures available or proposed to avoid incidental or unexpected emissions, releases or leaks of toxic or hazardous substances.

f) In case of proposed prevention/counter measures, the schedule for construction, installation or availability of such measures.

g) An inventory of all equipments, accessories, instruments, connections, process systems or other appurtenances which may emit, release or leaks toxic or hazardous substances.

h) Internal administrative procedures which are or will be instituted to:

  i) inspect potential sources of emission, releases or leaks;

  ii) An alert notification and procedure, including a notification roster and response team members and responsibilities.

j) Identification of equipment/instrument which are or will be available to detect emissions, releases or leaks

k) Humans evacuation procedures and plan in case of an emergency.

l) Identify methods to dispose of materials which may produce emission, releases or leaks of toxic or hazardous substances, during emergencies or a prevention measures.

m) Identify methods or procedures to mitigate persisting impact to the environment, after the health and welfare of humans has been safeguarded.

n) Describe the response team members and other involved personnel knowledgeable and trained in emergency response duties.

3) Once approved by the Board, the owner or operator of the source shall maintain the emergency response plan current and all involved personnel trained and knowledgeable of emergency response duties and functions.

4) The owner or operator shall keep the emergency response plan accessible to all concerns and shall present it to representative of the Board, upon request.

RULE 108 - AIR POLLUTION CONTROL EQUIPMENT

A) All air pollution control equipment or control measures shall provide for continuous compliance with applicable rules and regulations. Such equipment or measures shall be installed, maintained, and operated according to those conditions imposed by the Board, within the specified operating limitations of the manufacturer.

B) The collected material from the air pollution control equipment shall be disposed in accordance with applicable rules and regulations. The removal, manipulation, transportation, storage, treatment or disposal will be done in such or manner that shall not to produce environmental degradation, and in accordance with applicable rules and regulations.

C) The Board may require, when deemed appropiate to safeguard the health and welfare of human beings, the installation and maintenance of additional, complete and separate air pollution control equipment of a capacity equal to the capacity of the primary control equipment. Furthermore, the Board may require that such additional air pollution control equipment be operated continuously and conjunctionally with the primary air pollution control equipment.

D) All air pollution control equipment shall be operated at all times while the source being controlled is in operation.

E) In the case of a shutdown of air pollution control equipment for the necessary scheduled maintenance, the intent to shutdown such equipment shall be reported to the Board at least three days prior to the planned shutdown. Such prior notice shall included, but is not limited to the following:

1) Identification of the specific source to be taken out of service with its location and permit number.

2) The expected length of time that the air pollution control equipment will be out of service.

3) The nature and quantity of emissions of air pollutants likely to be emitted during the shutdown period.

4) Measures such as the use of off-shift labor and equipment that will be taken to minimize the length of the shutdown period.

5) The reasons why it will be impossible or impractical to shutdown the operating source during the maintenance period.

F) The owner or operator of a source shall, to the extent possible, maintain and operate at all times, including periods of start-up, shutdown and malfunction, any affected source and the associated air pollution control equipment, in a manner consistent with the original manufacturers design specifications and in compliance with applicable rules and regulations and permit conditions.

RULE 109 (RESERVED)

RULE 110 REVISION OF APPLICABLE RULES AND REGULATIONS

A) Effectiveness of revisions

1) Amendments to this Regulation may be adopted by the Board and shall become effective 30 days after the date of their filing in the Department of State pursuant to Law No. 112 of June 30, 1957, as amended.

2) Revisions of Federal emission limitations (including "Standards of Performance for New Stationary Sources" and "National Emission Standards for Hazardous Air

Pollutants") and of Federal ambient air quality standards (including "National Primary and Secondary Ambient Air Quality Standards") shall become effective as part of applicable rules and regulations immediately upon their promulgation by the Administrator of the U.S. Environmental Protection Agency, pursuant to the Clean Air Act, as amended.

B) Notice and hearing on amendments to this Regulation:

1) The Board shall not adopt any amendment to this Regulation without notice and hearing.

2) The public hearing requirements referred to in 110(B)(1) shall not apply in cases where the Board has to modify the text of any pending amendment to the Regulations which has already been considered in a public hearing, and when said modification does not alter or change the concept or intent of said duly scrutinized amendment.

C) Effect of pending revision

1) Notwithstanding any other provision of this Regulation, while any proposed revision of applicable rules and regultions is pending, the Board may not grant any permit or endorse any compliance plan that could not be granted if such proposed revision or amendment were already in effect. This section does not preclude the Board from issuing a temporary permit to operate under Rule 204 (C)

2) For purposes of this Rule, an amendment to this Regulation is "pending".

   a) From the date of the first publication of the notice for public hearings on the amendment, until 30 days after the revisions or amendment is filed in the Department of State of the Commonwealth of Puerto Rico, in accordance with Law 112 of June 30, 1957, as amended, or

   b) Until the date of final Board action withdrawing the revision or amendment.

3) For purposes of this Rule, a revision of any Federally enforceable emission limitation or ambient air quality standards is "pending".

   a) From the date of first publication of the proposed rule or regulation revision in the Federal Register.

   b) Until promulgation or withdrawal of the proposed regulation.

D) Effect on valid permits, compliance plans, location approvals, and variances.

Revision of applicable rules and regulations shall not impair the validity of any permit, compliance plan, location approval, or variance lawfully granted or approved before the effective date of such revision. The Board may, however, revoke any such permit, plan, location approval or variance, or may impose additional conditions thereon, when the Board finds such action necessary to attain timely compliance with any national ambient air quality standard.

RULE 1.11 APPLICATIONS, HEARINGS, PUBLIC NOTICE

A) Applications

1) Content of Applications

All applications must comply with the rules and policies of the Board, and must be filed on forms furnished by the Board. All information, plans, specifications, evidence or documentation required by the Board for consideration of the applications must be included therewith.

2) Oath

Each application shall be submitted by the applicant or his authorized agent attesting to the truth and correctness of all facts, statements, and information submitted.

3) Single source

Except as otherwise specifically permitted, each application shall pertain to only one source and shall include specific information about any other activities constituting the source.

4) Decision and notification of applications

a - The Board shall notify the applicant in writing of its decision in regard to each application filed pursuant to this Regulation. The Board shall set forth in any notice of disapproval its reasons for disaproval.

b -The Board may refrain from issuing a final decision pertaining to any application filed with the Board, if the provisions of Article 4 (C) of the "Environmental Public Policy Law of Puerto Rico" (Law No. 9 of June 18, 1970, as amended) have not been satisfied.

B) Public Notice

1) All public notices shall specify the time and place where the background documents regarding the pending matter will be available for public inspection, including any preliminary determination by the Board on whether an application should be approved, conditionally approved or disapproved, and the period during which interested persons may submit written comments or request for public hearing.

2) In case of public hearings, the notice shall also specify the time and place of each public hearing.

3) All public notices shall be published at least thirty (30) days prior to any determination by the Board regarding the subject matter or the hearing. However, the Board may, whenever applicable rules and regulations permit, establish a shorter time for public notice.

4) The announcement shall be published in at least two of the newspapers of general circulation on the Island, and in case of location approval, the notice must be mailed

to the applicant, the US-EPA Regional Administrator, the Chairman of the Planning Board and any other Commonwealth official and agency having jurisdiction over lands which may be affected by the emissions from the proposed source.

5) Whenever the notice relates to any application under the consideration of the Board, the applicant shall pay the Board the cost of the notice prior to publication or seek himself the publication of the notice, in such case the public notice shall be made in accordance with this Rule.

RULE 112 - NOTICE OF VIOLATION

A) Whenever the Board finds that any provision of this Regulation is being violated, on the basis of any information available, the Board shall issue a written notice of violation to the alleged violator.

B) All notices of violations shall specify the deficiencies and/or state the reasons that prompted the notice, and may indicate the requirements that the Board deems pertinent to bring the source into compliance.

RULE 113 CLOSURE OF A SOURCE

A) The Board may order the closure or compel the shutdown of a source which has been found not in compliance with the applicable rules and regulations, or whose violation persists after the time limit granted under a notice of violation or under any other enforcement action taken by the Board. The affected source will have an opportunity for an administrative a hearing before the Board.

B) The closure shall remain in effect until the affected source is found to be in compliance with the applicable rules and regulations, or until the reasons that prompted the notice of violation or enforcement action are found to be non-existent.

RULE 114 COMPULSORY AND OPTIONAL HEARINGS

1) The Board shall hold public hearings when specifically required by applicable rules and regulations, giving notice thereof according to Rule III B(3).

2) The Board may also at its option, hold one or more public hearings on matters under its consideration.

3) If the Board decides to hold a public hearing on a matter for which a notice has been published, but for which no hearing has been announced, the Board must publish another notice announcing the hearing.

4) Mandatory Periodic Hearings on Regulations
The Board shall periodically hold public hearings to consider possible improvements of this Regulation. The first such hearings shall be held no later than August 15, 1982, and each subsequent hearing shall be held no later than 3 years after that date. The Board may, but need not, propose amendments to this Regulation for consideration at any of such hearings.

RULE 115 PUNISHMENT

Any violation of this Regulation will constitute a misdemeanor, and will be subject to the penalty established in the "Environmental Public Policy Law of Puerto Rico" (Law No. 9 of June 18, 1970, as amended). Moreover, the Board may, in the case of infraction of any of the applicable rules and regulations, suspend, modify, or revoke any relevant permit, approval, variance or other authorization issued under this Regulation.

RULE 116 PUBLIC NUISANCE

A) Nothing in this Regulation shall be construed to authorize or legalize the creation or maintenance of a public nuisance as defined in Article 329 of the Penal Code of Puerto Rico.

B) This section shall not be understood as a limit or restriction of the other prohibitions established in other parts of this Regulation.

RULE 117 OVERLAPPING OR CONTRADICTORY PROVISIONS

If a requirement established by any provision of this Regulation is either more restrictive or less restrictive than a requirement established by any other provision of this Regulation or by any other law, regulation, standard or limit established by any duly constituted governmental authority having jurisdiction, the most restrictive requirement shall prevail.

RULE 118 SEGREGATION AND COMBINATION OF EMISSIONS

The emissions from any source are specifically subject

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to the applicable emission limitations imposed by this Regulation regardless of whether the emissions generated by each individual source are totally emitted through one stack, or whether two or more stacks are simultaneously used for such purpose. However, if the total emissions from two or more sources are simultaneously emitted through one stack, the aggregate of the individual emissions shall be considered as originating from one discrete source with a capacity equal to the sum of the capacities of each individual source.

RULE 119 DEROGATION

This Regulation amends any previous provision, resolution, agreement or regulation of the same subject which may contradict it, except as provided in Rule 121.

RULE 120 SEPARABILITY CLAUSE

If any provision of this Regulation is declared illegal or unconstitutional by judgement of a court, such declaration or judgement will not affect the other provisions of this Regulation, since each one is being considered separate.

RULE 121 EFFECTIVENESS

This Regulation shall be considered adopted 30 days after the date of its filing at the Department of State of the Commonwealth of Puerto Rico, in conformity with Law 112 of June 30, 1957, as amended; PROVIDED that, any requirement or provision existing prior to the effective date of this Regulation which is hereby amended, shall remain in effect until the future effective date specified in such Regulation, as amended.

PART II - APPROVAL AND PERMIT

RULE 201 - LOCATION APPROVAL

A) Approval Required

After January 1, 1973, no person shall cause, or permit the location or construction of a new major source or major facility or major modification of an existing source, without first obtaining a location approval from the Board.

B) Standards for Granting a Location Approval

Location Approval shall only be granted upon the satisfaction of all the following requirements:

1. The proposed location shall be propitious from the standpoint of the projected air quality impact, based upon the following considerations:
   a) the existing air quality at the proposed site,
   b) the climate, topography and meteorology,
   c) land use and planning
   d) effects on nearby ecological sensitive areas.
2. The emissions from the new major source or major facility, or major modification shall not cause a violation of any applicable NAAQS or exacerbate an existing NAAQS violation.

3. An emission offset shall be provided for, as required in Section C of this Rule, whenever the increase in allowable emissions from the proposed major source, major facility or major modification would otherwise cause or exacerbate a violation of any applicable NAAQS.
4. Notice must be published as prescribed in Rule 111(B) and an opportunity for a public hearing must be offered.
5. The proposed source or facility complies with all applicable rules and regulations and other applicable standards.
6. Air pollutant emissions from the new major source, major facility or major modification, will be limited by means of:
   a) Best Available Control Technology (BACT)
   b) In case of sources locating in or significantly impacting a non-attainment area, the Lowest Achievable Emission Rate (LAER).
7. If an emission offset is part of the location approval, all other sources or facilities owned or controlled by the applicant in the Air Quality Control Region of the Commonwealth of Puerto Rico shall be in compliance with applicable rules and regulations, or with an approved compliance plan.

C) Emission Offset Required

1. The Board shall require from a new major source, major facility or major modification an emission reduction beyond that of LAER, in terms of an "emission offset", for any pollutant whenever:

   a) The increase in allowable emissions will cause or exacerbate a violation of any NAAQS; or

   b) In the case of a source or facility located in, or significantly impacting on a non-attainment area, the total allowable emissions from existing sources, or facilities in the area, from new or modified sources or facilities which are not major, and from the proposed source, modification, or facility are equal to or greater than the baseline emissions.

2. Pre-Application Conference

   A conference between the owner or operator of a source or facility affected by sub-section (1) above and a representative of the Board shall be held before submitting any application relative to such a source or facility, at which time the owner or operator of the source or facility shall demonstrate to the Board the feasibility and availability of emission offset, as required.

3. Emission Offset Quantified

   a) The emission offset required by this section shall be that necessary to compensate for the increase in allowed emissions from a new major source, major facility or major modification so as to represent reasonable further progress.

b) Any emission offset ratio must be greater than 1:1.

c) The baseline for determining credit for emission offsets shall be the SIP emission limitations in effect at the time the application to construct or modify a source or facility is filed. Where the SIP does not contain an emission limitation for a source or facility, the emission offset baseline involving such source or facility shall be the actual emissions, determined in accordance with sub-section d) regarding operating conditions.

d) Emission offsets should be made on a "pound per hour" basis, when the sources or facilities involved in the emission offsets calculations are operating at their maximum expected or allowed production rate, or according to any other averaging period (e.g., tons per year) deemed necessary by the Board to carry out the intent of this Rule. If offsets are calculated on a tons per year basis, the baseline emissions for existing sources producing the offsets should be calculated using the actual annual operating hours for the previous one or two year period (or other appropriate period, if warranted by cyclical business conditions). Where the SIP requires certain hardware controls in lieu of an emission limitation (e.g., floating roof tanks for petroleum storage), baseline emission should be based on actual operating conditions for the previous one or two year period (e.g., actual throughput and vapor pressures) in conjunction with the required hardware control.

4. Emission reductions required to comply with Federal or Commonwealth of Puerto Rico emission limitations, or with any applicable rules and regulations, shall not be considered decreases in emissions for the purpose of this section.

D) Application for Location Approval

1. An application for location approval shall include information about alternate sites, the size, production, processes, and environmental control techniques relative to the source or facility. It shall also include an application for a permit to construct.

2. The application shall include a detailed description about:

   a) The nature, design capacity, and typical operational schedule of the proposed new major source, major facility or major modification, including specifications and drawings of the plant layout and emissions estimated.

b) The expected performance of the proposed air pollution control equipment or measure.

c) A detailed schedule for the proposed construction or modification of the source or facility.

d) An ambient air quality impact analysis, according to the requirements established in Rule 202(B).

3. The application shall be accompanied by:

   a) An application for a permit to construct the proposed source, facility or modification, and

   b) A certification that payment of the permit fees as prescribed in Rule 501, has been deposited.

4. If an emission offset is required, the application for a location approval shall include:

   a) All pertinent information specifying, in detail, the manner and date by which the emission offset is to be accomplished; and

   b) The originals of any valid permits to construct, or to operate, and of any revised applications or proposed compliance plans of the sources selected to effect the emission offset.

5. Each application for a location approval shall include a certification by an engineer licensed to practice the profession in Puerto Rico, attesting that the technical information contained therein is true, and complete to the best of the engineer's knowledge. Whenever the application contains chemical analyses results, these must be certified by a chemical engineer or chemist licensed to practice the chemical profession in Puerto Rico.

6. Applications for a location approval shall be made by the owner or operator of the source, facility or modification or by the government agency or public corporation sponsoring, proposing, endorsing, or permitting the source, facility or modification.

7. In the application, the owner or operator may include one or more proposed locations for the new major source, major facility or major modification provided that:

   a) Whenever an application for location approval for a single site is denied by the Board, additional or alternate sites can only be considered through the filing of a new complete application; and

   b) In case the application includes more than one suitable alternate site, the applicable requirements of this subsection must be completed for every suitable alternate site.

E) Action on Application

1. Within 45 days after receipt of an application for location approval, the Board shall notify the applicant about the completeness of the application. In the event of any deficiency in the application or information submitted, the date of receipt of a complete application shall be the date on which the Board received all required information.

2. Within one year after receipt of a complete application, unless otherwise required due to legal action or other unforeseen delays, the Board shall:

    a) Notify the public, in accordance with Rule 111, of the application.

    b) Consider all written comments submitted within the time specified in the public notice, and all comments received during any public hearing;

    c) Make a final determination whether the application should be approved, conditionally approved, or disapproved; and

    d) Notify the applicant in writing of the final determination, and make such notification and all comments received from the public and interested officials available for public inspection

F) Conditions Upon Approval

1. The Board may impose any reasonable conditions upon granting a location approval.
2. When the Board grants a location approval, it may issue a permit to construct the new major source, major facility, or major modification,
3. Any condition or emission reductions other than those specified in the applicable rules and regulations, such as LAER and emission offset, shall be legally binding before a location approval may be granted.
4. No location approval or permit to construct will be issued until the applicant presents a certification that payment of the permit fee, as prescribed in Rule 501, has been deposited.
5. The Board may require air quality monitoring for any pollutant at or near the approved site, to be conducted by the owner or operator of the source, in order to establish the effect the emissions from such source may have or are having on the air quality in any area which such emissions would affect. The Board shall indicate the period during which the data is to be gathered.
6. In case an emission offset has become part of the application, the Board shall include any emission offset

implementation requirements as part of the approval conditions.

G) Period of Validity

1. Each location approval shall automatically lapse three years after the date of issuance, unless construction or modification has commenced.

2. The Board may revoke a location approval if construction work is suspended for one (1) year or more, or is not diligently pursued to completion according to the construction schedule submitted as part of the application.

H) Transfer of a Location Approval

1. Any owner or operator of a proposed new major source or major facility holding a valid location approval may not transfer it without prior written authorization from the Board.

2. When authorizing a transfer of a location approval, the Board shall require a transfer fee as prescribed in Part V.

I) Exemptions

1. With regard to a particular pollutant, the requirements

of the provisions established in section (D) (2) (d) of this Rule shall not apply whenever an applicant can demonstrate to the satisfaction of the Board that:

a) The source is of a temporary nature, such as a pilot plant, portable facility, temporary power generation units or exploration units, i.e., emissions which will occur for less than two (2) years at any location;

b) The major source is owned or operated by a nonprofit, health or educational institution;

c) The proposed source would utilize at least 50 percent refuse derived fuel.

d) Reserved:

e) Reserved;

f) Reserved;

2. Reserved

3. Reserved

4. Reserved

RULE 202 - AIR QUALITY IMPACT ANALYSIS

A) An ambient air quality impact analysis, whenever required by the Board, shall be prepared according to this Rule.

B) A complete air quality impact analysis shall include:

1. A demonstration that allowable emissions increase from a proposed new source, facility or modification, in conjunction with all other applicable emission increases or reductions, will not cause or contribute to

air pollution in violation of any NAAQS.

2. (Reserved)
3. (Reserved)
4. An analysis of the air quality impact projected for the area as a result of general commercial, residential, industrial, and other growth associated with the proposed new source, facility, or modification.

C) Whenever deemed appropriate by the Board, an air quality impact analysis shall consist of the air quality impact of the projected new source, facility, or modification, including the meteorological and topographical data necessary to estimate such an impact, and the nature and extent of any commercial, residential, industrial, and other growth which has occured since January 1, 1979, in the area to be affected.

D) Air quality estimated concentrations shall be based on the applicable air quality dispersion models, data bases, and other requirements specified in USEPA Publication No. 1,2-080 (OAQPS),"Guidelines on Air Quality Models", or on any other dispersion models approved by USEPA.
Methods like those outlined in the "Workbook for the Comparison of Air Quality Models: (USEPA: April, 1977) should be used to determine the comparability of air quality models.

RULE 203 - PERMIT TO CONSTRUCT A SOURCE

A) Permit to construct a source or modification

No person shall construct or modify a source without a permit from the Board.

B) Standards for granting a permit to construct

A permit to construct or modify a source shall be granted only if the applicant demonstrates the following to the satisfaction of the Board:

1. The source shall be able to comply all applicable rules and regulations;
2. In the case of a major source, major facility, or major modification, the applicant must hold a valid location approval;
3. In the event that the source will be affecting an emission offset, the owner or operator has:
   a) surrendered any valid permit to construct or operate the facility or source affecting the offset;
   b) propose a revision to a valid permit to construct, or proposed a compliance plan to achieve the required emission offset; and the Board has approved said revision or accepted such a compliance plan for said purpose, as part of a location approval.

4. Air pollutant emissions from the source will be limited in accordance with applicable rules and regulations.

5. Any agreement or certification intended to restrict the maximum capacity, the maximum annual hours of operation, an emission rate, or a percentage of sulfur content in fuels to a value lower than that allowed by applicable rules and regulations is legally binding prior to the issuance of the permit to construct and is included as an enforceable condition therein.

6. That no adverse air quality impact would occur from the construction or operation of said source or modification, and:

   a) The owner or operator of the proposed source or modification has subscribed to a legally binding document which stipulates the type or amount of materials to be combusted or processed by such a source, or which limits the annual hours of operation; or

   b) Such demonstration has been requested by the Board as part of the permit application.

C) Application for a permit to construct

1. Each application for a permit to construct or modify a source shall include the following:

a) Detailed plans and specifications of the emissions and of any air pollution control equipment or measures proposed to be installed and constructed to achieve compliance with applicable rules and regulations.

b) A location map of the source or facility (projected and existing), indicating neighboring fields and prominent points or structures;

c) A layout plan of the source or facility (projected and existing), indicating all air pollutant discharge, ventilation, exhaust and release points;

d) Information about any air sampling or monitoring equipment used, intended to be used, or owned by the applicant, including type, trade mark, and operation schedule;

e) An air quality impact analysis in accordance with Rule 202 (C), whenever:

   i. A source would be restricted in any manner through a legally binding document or enforceable permit condition; or

   ii. Such an analysis is requested by the Board for a complete and adequate evaluation of the application.

f) A certification that the permit fee prescribed in Rule 501 has been deposited:

g) A list of all approvals endorsements or denials granted by Federal and State agencies for any structure or construction.

h) Detailed plans and specifications of the source including: location, height of the emissions points, fuel used, process details, concentration and duration of emissions.

i) In case of a major source or modification, a certification by an engineer licensed to practice the profession in P.R. shall be included, attesting to the fact that the technical information contained therein is true and complete to the best of the engineer's knowledge. In case the application contains results of chemical analyses, these results must be certified by a chemical engineer or chemist licensed to practice the profession in Puerto Rico.

2. Application for a permit to construct or modify a source shall be made by the owner or operator of such source on forms furnished by the Board.

D) Action on Applications

After receiving an application, the Board shall notify the applicant in writing about the completeness of such application. Within a period of 90 days after receipt of a completed application for a permit to construct a new or modified source, unless otherwise required due to legal action or other unforeseen delays, the Board shall grant or deny the application.

E) Conditions upon granting a permit to construct

The Board may impose any reasonable conditions upon the issuance of a permit to construct.

F) Revision to a Permit to Construct

1. Any revision to the conditions upon which a permit to construct has been granted must be approved by the Board prior to submission of an application for a permit to operate.
2. A permittee can request a revision to a valid permit to construct in order to provide an emission offset as required in Rule 201.

G) Lapse and revocation of permit to construct

1. Each permit to construct shall automatically lapse one year after the date of its issuance, unless the construction or modification has commenced.
2. The Board may revoke a permit at any time if work is

suspended for 1 year or more, or is otherwise not diligently pursued to completion.

H) Transfer of Permit to Construct

1. The holder of a permit to construct may not transfer it without a written approval from the Board
2. A permit to construct which has lapsed cannot be transfered. However, an application for a permit to construct can be submitted in regard to the same source by the new owner or operator.
3. The Board shall impose a transfer fee, as prescribed in Part V, upon issuance of the transfered permit to construct to the new holder.

RULE 204 - PERMIT TO OPERATE

A) Permit required

1. No person shall operate or cause the operation of a source or air pollution control equipment without a permit to operate or a temporary permit to operate from the Board.
2. No person shall operate or cause the operation of a source if the Board denies, suspends, or revokes a permit to operate or a permit to construct.
3. No person shall operate or cause the operation of an existing source without an operation permit or without

the required application of renewal provided that the operation conditions previously approved by EQB are the same or are unchanged.

B) Standards for granting permits

1. No permit to operate shall be granted unless:

   a) The applicant shows to the satisfaction of the Board that the source is in compliance with applicable rules and regulations and, in the case of a new major source or major modification, that it is also in compliance with the terms and conditions imposed under a location approval or permit to construct.

   b) In case of emission offsets, the Board has granted to the selected source(s) effecting the emission offset, a permit to operate, or a temporary permit to operate as provided in Section (C) of this Rule.

   c) Whenever required, the results of any performance tests conducted demonstrate that actual emissions comply with emission limitations specified in applicable rules and regulations.

   d) Whenever applicable, the Board has assigned a percentage of sulfur content in the fuel as specified in Rule 209 or 410.

   e) In case of renewal of a permit to operate, the applicant has presented a legally binding document.

certifying that the characteristics, nature, and emissions of the source are the same as those under which the previous permit was issued.

f) In the case of a temporary permit to operate, the applicant has stated the reasons for such a request.

g) The source is not of a temporary nature.

C) Temporary permit to operate

1. The Board may grant a temporary permit to operate whenever:

   a) The owner or operator of a source has applied for a modification to a schedule of "increments of progress", as contained in a compliance plan approved by the Board;

   b) The Board has requested, from the holder of a valid permit to construct, performance tests prior to the issuance of a permit to operate;

   c) There is pending a proposed revision to applicable rules and regulations, which would affect the source;

   d) A source is of a temporary nature, such as a pilot plant, portable source or exploration, emergency power generators, i.e., in cases where the emissions would occur for less than two (2) years at any location;

e) A variance application has been preliminarily approved by the Board and is pending approval by the US-EPA Regional Administrator; or

f) It determines that the source will be utilizing innovative technology, which is consistent with the policy of the Board.

g) The owner or operator of a source, prior to satisfying the requirements for a permit to operate, demonstrates to the satisfaction of the Board that said source needs to be operated for a given period in order to reach normal or steady operating conditions.

h) The air pollution control equipment is rendered partially or totally inoperative by "force majeure". In such cases, the permittee shall submit within twenty (20) days a compliance plan which shall specify the measures to be taken to bring the source into compliance in the shortest reasonable practical time. The permittee shall also specify interim measures to be taken to mitigate emissions, such as, limiting production capacity, allowing emissions only during favorable meteorological conditions, operation of the damaged control equipment at a lower efficiency, installation of additional control equipment, etc.

2. Upon granting a temporary permit to operate, the Board shall state the conditions for the issuance and the date of termination of the temporary permit, which in no case shall extend for more than 180 days, except in case of a temporary source, in which case it could extend to a maximum of two (2) years.

3. A temporary permit to operate cannot be extended beyond its termination date, which shall be final.

D) Applications

1. Application for a permit to operate a new or modified source shall:

   a) Be submitted to the Board at least 60 days prior to startup of operations;

   b) Include a copy of the valid permit to construct;

   c) Include a request for a temporary permit to operate if any of the conditions described in Section (C) of this Rule is expected or exists; and

   d) Be prepared by the owner or operator of such source, on forms furnished by the Board.

2. Applications for renewal of a permit to operate shall be accompanied by a legally binding document wherein the applicant certifies that conditions in the renewal application are the same as those of the existing source for which a renewal is requested.

E) Performance Testing

The Board may order the applicant to conduct performance tests in accordance with methods approved by the Board. Such tests shall be made at the expense of the applicant. Nevertheless, the Board may monitor such tests and may also conduct performance tests of its own.

F) Action on Applications

After receiving an application, the Board shall notify the applicant in writing about the completeness of such application. The Board shall grant or deny an application for a permit to operate a new or modified source within a period of 90 days after receipt of a completed approvable application, including the results of performance tests, if required.

G) Period of Validity

Any permit to operate a source shall be valid for a period not less than two (2) years, but not to exceed five (5) years.

H) Renewal of Permit to Operate

1. At least 60 days before the expiration of a permit to operate, the owner or operator shall file an application for renewal of the permit to operate such source.
2. Applications for renewal of a permit to operate shall be accompanied by:
    a) a legally binding document wherein the applicant certifies that the conditions in the renewal application are the same as those of the existing source for which a renewal is requested; and
    b) a certification that the permit fee prescribed by Rule 501 had been deposited.

I) Conditions upon granting a permit to operate

The Board may impose any reasonable conditions upon a permit to operate. Conditions so imposed shall be legally binding prior to the issuance of the permit to operate, including any conditions imposed with the permit to construct which, due to its nature and extent, must become part of the permit to operate.

J) Suspension or revocation of a permit

1. The Board may suspend or revoke a permit to operate for violations of applicable rules and regulations, or for alteration of the conditions under which such permit to operate was issued, or when, on the basis of information

available, the facility or source is known to have ceased operations.

2. Suspension or revocation of a permit to operate shall become final 10 days after service of notice to the holder of the permit, subject to the rights of public hearings and appeal, as provided by law.
3. A permit to operate or temporary permit to operate is not transferable. If the operation is to be continued, an application for renewal of the permit to operate shall be submitted in accordance with this Regulation.

K) Posting of Permit to Operate or Temporary Permit for Tests

A person granted a permit to operate or temporary permit to operate according to this Rule shall not operate or use any source unless the entire permit to operate or temporary permit or legible facsimile thereof is affixed to the source so that the number, source description, and any specified operating conditions are clearly visible and accessible at all times. In the event that the source is so constructed or operated that the permit to operate or temporary permit cannot be placed, the entire permit or temporary permit shall be mounted so as to be clearly visible in an accessible place within 8 meters (26 feet) of such source, at all times, or as otherwise approved by the Board. However, in cases

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where the above mentioned measures are impractical, the permit should be posted in the environmental control or management offices in the plant.

RULE 205 COMPLIANCE FOR EXISTING SOURCES

No person shall operate or cause the operation of a source in violation of the applicable rules and regulations, unless the owner or operator of such source has an approved compliance plan comprising such activity in violation.

A) Compliance Plan Proposed

1. Any owner or operator of an existing source which may not be in compliance with applicable rules and regulations on their effective date should submit a compliance plan for such source. Nevertheless, in case of rules and regulations whose effective date is prior to January 1, 1979 any existing source shall be in compliance with July 1, 1979, except as otherwise provided in this Regulation. Any source out of compliance on or after July 1, 1979. with applicable rules and regulations whose effective date is prior to January 1, 1979, shall be subjected to sanctions for non-compliance.

2. A compliance plan may also be submitted by the owner or operator of an existing source for which an enforcement action has been commenced and compliance is proposed to be achieved in a period greater than 90 days or for the source covered under Rule 204 (C)(1)(h).

3. The holder of a valid permit to operate a source can propose a compliance plan in order to provide emission offset, as required in Rule 201. Such compliance plan shall be submitted together with an application for a location approval for the new major source, major facility, or major modification.

B) Standard for granting approval of compliance plan

1. No compliance plan shall be approved by the Board unless the applicant shows:

    a) That the plan provides for compliance as expeditiously as practicable;

    b) That the existing source will be in compliance with all applicable rules and regulations on or before the clean air date established in the SIP for attainment of the national primary and secondary ambient air quality standards;

    c) If the plan fixed any compliance date more than one-hundred and eighty (180) days after the effective date of the applicable rule or regulation, such plan shall provide for a schedule of increments of progress;

    d) That the plan provides for the submittal of periodic progress reports to the Board to demonstrate continuing compliance with the terms of the plan relative to the increments of progress, to be submitted 15 days after the date of each increments of progress:

e) That, in case of a major source or compliance plans constituting a SIP revision, the provisions of subsections (C) and (D) have been complied with.

2. In case of a compliance plan which is proposed as a SIP revision, this plan shall not be deemed effective until it has been reviewed and approved by USEPA.

C) Pre-application Conference

Before submitting a compliance plan for a major source, the applicant or his authorized agent shall first confer in person with the Board or its staff.

D) Notice of intention to submit a compliance plan for a major source.

If a compliance plan pertains to a major source and the time required to achieve compliance is beyond the applicable effective date, the applicant shall publish a notice of his intention to submit the plan for approval. Such notice shall be published according to the provisions of Rule 111.

E) Application

1. Each application for approval of a proposed compliance plan shall be signed by the owner or operator of the existing source.

2. If the proposed plan pertains to a major source, and the time required to achieve compliance is beyond the applicable

effective date, the application shall be accompanied by suitable evidence of publication of the notice required by (D) above.

3. Each proposed plan shall establish a compliance date, on or before which compliance will be attained. The compliance date cannot be later than the clean air date established in the SIP for attainment of the NAAQS.
4. Each proposed compliance plan shall indicate the air pollution equipment that will be installed, or other measures that will be taken, to attain compliance by that date.
5. Each proposed plan shall establish a schedule for the completion of engineering, procurement, fabrication, installation, and adjustment or testing of any air pollution control equipment required as part of the plan.
6. Each proposed plan shall include provision for the submittal of progress reports, at least quarterly, to demonstrate continuing compliance with the terms of the plan.

F) Action on compliance plan

1. The Board shall act on each proposed compliance plan within a reasonable time.
2. No person shall operate or cause the operations of a source if the Board rejects, suspends, or revokes a compliance plan submitted for such source.

G) Conditions on plan approval

1. The Board may impose any reasonable conditions upon its approval of a compliance plan.
2. Once approved by the Board, a compliance plan, either a short term (90 days or less) or constituting a SIP revision, shall authorize the operation of the source until the compliance date specified therein.

H) Revocation of approved compliance plan

1. The Board may suspend or revoke its approval of a compliance plan for failure to comply with any of the terms of the plan.
2. Suspension or revocation of a compliance plan shall become final 10 days after service of notice to the owner or operator of the source, subject to the rights of public hearings and appeal as provided by law.
3. The suspension or revocation of a compliance plan shall be construed as a suspension or revocation of the permit to operate the source.

I) Modifications

1. Whenever the scheduled increments of progress contained in an approved compliance plan are not expected to be achieved, the owner or operator of the affected source must request a modification of such schedule from the Board. The modification may cover the schedule of increments of progress or

other parts of the compliance plan, except that the final compliance date cannot be subject to modification unless the modification procedure satisfies the provisions of section (B).

2. Any modification of a compliance plan shall be subjected to the modification fee, as provided in Rule 501.

J) In case the time required to achieve compliance is less than ninety (90) days, the Board may accept and approve a compliance plan notwithstanding the provisions of sections (C) and (D), provided the plan would not constitute a SIP revision.

RULE 206 - EXEMPTIONS

Notwithstanding any dispositions of this Regulation, neither a location approval, nor a permit to construct or operate are required for:

A) Vehicles, as defined in Law 141 of June 20, 1960 as amended; nor for air or maritime transports.

B) The equipment described below:

1. Air conditioning and ventilation systems installed for comfort and not for the removal of general pollutants produced by, or escaping from, specific units, or items of equipment.
2. Refrigeration units, except those used with, or in conjuction with, atmospheric pollution control equipment.
3. Internal combustion engines having a piston displacement of less than twenty-two cubic inches.

4. Operational equipment for laboratories which does not remove or carry pollutants from another source.
5. Water-cooling towers and pools containing non-contact cooling waters.
6. Equipment utilized exclusively for steam cleaning, except the equipment generating or producing the steam.
7. Automatic feed presses, and other types of presses which use only inks, having a content of less than ten (10) percent of organic solvents, diluents, and thinners.
8. Tanks, containers, and pumping equipment used exclusively for the storage or supply of:
    a) Sulfuric acid in concentration of 99 percent or less by weight.
    b) Phosphoric acid in a concentration of 99 percent or less by weight.
    c) Nitric acid in a concentration of 70 percent or less by weight.
9. Crucibles or hard coal ovens, or sets or these, used for melting metals, with a maximum cummulative capacity of 450 cubic inches.
10. Equipment utilized exclusively for wax melting or coating, and which does not use organic solvents, diluent, or thinners.

11. Vapor blowdown systems.

12. Pest control fumigation equipment installed in mobile units normally operating through public roads, duly authorized by the Department of Health of the Commonwealth of Puerto Rico, except fumigation equipment installed in aircraft.

C) The equipment described below, and the collection systems used exclusively with said equipment.

1. Equipment for cleaning by blasting which uses abrasives in an aqueous suspension.
2. Ovens and mixers of which the products are edible and for human consumption, and which work on gaseous fuels or electricity.
3. Kilns used for ceramic products, and heated exclusively by gaseous fuels, electricity, or any combination of these.
4. Laboratory equipment used exclusively for chemical or physical analyses.
5. Generators of artificial atmosphere utilized in conjuction with the processes of heat treatment of metals.
6. Photo processing equipment by means of which an image is produced on sensitive material, or radiant energy.
7. Equipment utilized for the surface conditioning, cleaning, or slicing of metals, using aqueous soluctions.

8. Equipment utilized for the washing or drying of products made of metal or glass, as long as no solid fuels or oil are burned.

9. Household laundry dryers, extractors, or tumblers utilized for cleaning cloth, using aqueous solutions of bleaches or detergents.

D) Fans, chimneys or ventilators intended to provide natural ventilation.

E) Steam generators, steam oven-heaters, and cauldrons heated only by gaseous fuels with a fuel burning capacity of 10 horsepower.

F) Containers, reservoirs, and tanks utilized exclusively for:

1. Immersion operations for covering objects with oil, meat or fats, and where no organic solvents, diluents, or thinners are used.
2. Immersion operations for covering with natural or synthetic resins which do not contain organic solvents.
3. Storage without heating of organic materials, having a boiling temperature of 300°F or more.
4. Storage of lubricating oil.
5. Etching.
6. Storage of gasoline, diesel fuel, kerosene, acetone, alcohol, and similar organics, but only in underground tanks having

a capacity of less than 10,000 gallons each.

7. Gaseous fuel storage of 500 gallons or less.

G) Vacuum cleaning systems used exclusively in the maintenance and cleaning of industrial, commercial or residential establishments.

H) Structural changes which cannot alter the quality, nature or quantity of pollutant emissions.

I) Repairs or maintenance operations which do not involve structural changes in any equipment for which authorization is required.

J) The identical substitution, in whole or in part, of any article, machine, equipment or other device for which authorization is required; provided that SPNS or NESHAPS do not apply.

RULE 207 - CONTINUING RESPONSIBILITY FOR COMPLIANCE

Possession of a permit to construct or a permit to operate shall not relieve any person of the responsibility of complying with applicable rules and regulations.

RULE 208 - AGRICULTURAL BURNING AUTHORIZED

A) The Board may issue permits for the open burning of sugar cane, pineapple prunings, and rice hulls and stubbles on the premises where grown. The permits will be issued only in accordance with a plan approved by the Board.

B) Standards for granting this authorization:

No permit for agricultural burning shall be granted unless the proposed plan:

1. Demonstrates to the satisfaction of the Board that no other effective method of disposal can be used without causing severe environmental or social damage.
2. Provides for:
   a) the implementation of control measures during burning.
   b) a coordinated and systematic burning operation, based on confirmed favorable meteorological conditions.
3. Refers to a single event or a period not exceeding twelve months.
4. Indicates that the open burning event will not extend for more than 2 consecutive hours in any one location.
5. Shows that open burning shall take place at a location which is not less than 100 meters from the boundary of any private dwelling or public road, except when a written authorization from the owner or operator of such private property is presented to the Board together with the application.

C) Applications

1. All applications for a permit for agricultural burning shall include the following information:
    - a) The name and address of the owner or operator of the premises where the agricultural burning is to take place;
    - b) the exact location of the premises where the agricultural burning is to take place;
    - c) a detailed plan describing:
        - i) the nature and quantity of the material to be burned;
        - ii) the methods or techniques to be employed for the agricultural burning;
        - iii) the date and time schedule when the burning is to take place, or the frequency if the agricultural burning is to be intermittent;
        - iv) the exact location within the premises where the burning is to take place if the agricultural burning will not cover the totality of the premises
    - d) The reasons why no other effective method of disposal can be used without causing severe environmental or social damage.
    - e) A certification form the Fire Department of Puerto Rico that such open burning will be regulated in

accordance with the regulations of that Department.

f. A certification from the Puerto Rico Department of Health that the proposed open burning will be in accordance with health regulations.

RULE 209 - MODIFICATION OF ALLOWED PERCENTAGE OF SULFUR IN FUELS

A) The Board may modify a previously allowed percentage of sulfur in fuel, provided the new percentage does not exceed the maximum sulfur content in fuels set forth in Rule 410, whenever an applicant can demonstrate to the satisfaction of the Board that:

1- The conditions under which the original percentage of sulfur was allowed have changed;

2- The information provided by the applicant for a location approval or permit to construct was erroneous.

3- A different percentage of sulfur is needed to provide for an emission offset;

4- A dispersion model validation information is provided which allows for a different percentage of sulfur in fuel;

5- An industrial process, or air pollution control equipment, burning of multiple fuels, blending of fuels, sulfur removal process, or any other measure or combination of measures shall result in equivalent emission of sulfur dioxide from the source, provided the modification requested does not exceed the limits set forth in Rule 410; or

6- Different percentage of sulfur per stack have been allowed to a facility and a weighted average percentage of sulfur could be applicable to the facility as a whole.

B) Standards for granting a modification

No allowed percentage of sulfur in fuels shall be modified, unless:

1. The Board has issued a permit to operate or a temporary permit to operate, according to the procedure set forth in Rule 204.
2. The proposed percentage of sulfur, or weighted average percentage, will not cause or contribute to exceed the NAAQS.
3. In case of equivalent emissions of sulfur dioxide, the modified percentage of sulfur will not exceed the limits set forth in Rule 410, and the effectiveness of whatever measure, or combination thereof, proposed to produce the equivalent emissions may be monitored or checked to assure continous compliance with the modification, if granted.

C) Application for a modification of the allowed percentage of sulfur.

1. The reasons prompting the request for modifications:

2. Identification of the parameters and detailed information which, when considered, could result in modifications of the allowed percentage of sulfur, including an explanation of any change from the original information submitted to the Board;

3. Whenever required, a certification that the modification fees prescribed by the Board have been deposited, and

4. Any other information deemed necessary by the Board to make an evaluation of the modification request.

D) Action of Applications

1. The Board shall act within a period of 90 days upon submittal of a completed application unless otherwise required due to legal action or other unforeseen delays.

2. In making the modification, the Board shall follow a procedure similar to the one used to analyze the percentage of sulfur which is subject to modification request; PROVIDED that in making its determination or modification the Board shall consider any pending application for location approval or permit to construct in the same area.

E) Reporting

Upon modification of the allowed percentage of sulfur in fuels by the Board, the owner or operator of the source shall submit a monthly report indicative of the sulfur content in the fuels burned by such a source during the reporting period, including all other information required by the Board.

RULE 210 - (RESERVED)

PART III - VARIANCES

RULE 301 - VARIANCES AUTHORIZED

A) The Board may preliminarily approve variances from the strict application of the substantive requirements established in this Regulation, except for SPNSS and NESHAPS.

B) Standards for granting variances

1. No variance shall be preliminarily approved by the Board unless the applicant demonstrates that:

   a) The variance will not cause or contribute to cause air pollution in violation of any NAAQS, or in the case of non-attainment areas, will not exacerbate any existing violation of the NAAQS;

   b) Compliance with the rules and regulations would produce practical difficulties or hardships without equal or greater benefits to the public or to the betterment of air quality;

   c) The owner or operator of the source for which a variance is sought has made efforts to control or prevent the conditions which may have prompted the variance request;

   d) The public health, safety, and general welfare are not threatened;

e) A public notice has been issued, in accordance with Rule 111 pertaining to the variance request, and an opportunity for public hearing has been offered therewith;

f) The variance shall not cause or contribute to an air pollution emergency, nor shall it prevent or limit the application of the emergency emissions reduction provisions or Rule 107; and

g) An application for a location approval, permit to construct, or permit to operate, whichever applicable, has been submitted.

2. No variance shall be deemed approved until it has been approved by the US-EPA.

C) Pre-application conference

Before filing an application for a variance, the applicant or his authorized agent shall first confer in person with the Board or its staff.

D) Application

1. Each application for a variance dispensation shall include the following:

a) information on the nature and location of the source for which the variance is requested;

b) the reasons for which the variance is requested, including scientific and economic justification;

c) the type and quantity of emissions that will occur during the period of variance;

d) a description of the interim control measures that shall be taken by the source to minimize emissions, and of the possible damage occurring if these measures are not taken;

e) any other information the Board deems necessary to make a determination regarding the variance application;

f) a certification that the filing fee and 25 percent of the excess emissions fee, as prescribed by the Board under Rule 502, have been deposited; ,

g) information sufficient to demonstrate that the variance will neither cause nor contribute to air pollution in excess of any NAAQS.

2. Air quality estimated concentrations shall be based on the applicable air quality dispersion models, data bases, and other requirements specified in USEPA Publication No.1,2-080 (OAQPS), "Guidelines on Air Quality Models", or on any other dispersion models approved by USEPA.
   Methods like those outlined in the "Workbook for the Comparison of Air Quality Models" (USEPA: April, 1977) should be used to determine the comparability of air quality models.

3. The application shall specifiy each regulatory provision from which the variance would grant relief, and shall specify the nature and extent of such relief.

E) Action on application

1. The Board shall act within reasonable time upon submittal of a completed variance application, but, under normal circumstances, not later than 60 days after the conclusion of any public comment period or public hearing.
2. The Board shall notify the applicant in writing of its decision in regard to variance application. In its notice, the Board shall set forth the reasons for its decision.

F) Conditions on preliminary approval of variances

1. The Board may impose any reasonable conditions upon its preliminary approval in regard to a variance application.
2. Upon preliminary approval of a variance, the Board shall condition its issuance upon the payment of the remaining excess emission fee.

G) Period of validity

A variance shall be valid for the period determined by the Board, but not to exceed 3 years. For extension of a variance, the owner or operator of the source shall, at least 90 days before its expiration, file an application for a new variance. The Board shall thereafter take action on such application, applying the rules and regulations applicable at such time.

RULE 302 - EMERGENCY VARIANCE

A) - The Board may grant emergency variances only under very special circumstances. e.g., to avoid an imminent health threat.

B) Application

1. Every application for an emergency variance shall include:
    - a) Detailed information about the source for which the emergency variance is requested;
    - b) The reasons that have prompted the emergency variance request;
    - c) Detailed information about the air pollutant which is being or will be excessively emitted, specifying its toxicity and physical characteristics.
    - d) Any other information the Board deems necessary to evaluate the application.
2. In case the application is made other than in writing, a written application shall be filed within 24 hours of the original request.

C) Action on Applications

The Board shall act as expeditiously as practicable on every application for an emergency variance and shall notify EPA of its grant of an emergency variance.

D) Conditions

1. The Board may impose any reasonable conditions on granting an emergency variance including interim control measures to minimize adverse air quality impact.
2. In case the emergency variance is granted on the ground that excess emissions are warranted to avoid an imminent health hazard, or to exhaust a toxic air pollutant, the Board may require that a contingency plan be prepared and submitted by the owner or operator of the source within 30 days after the emergency variance was granted.

E) Period of Validity

The period of validity of any emergency variance shall be determined on a case-by-case basis, but in no case shall it exceed 90 days.

PART IV - PROHIBITIONS

RULE 401 GENERIC PROHIBITIONS

A) No person shall cause or permit air pollution as defined in Rule 102.

B) No person shall cause or permit the emission of any air pollutant in violation of applicable rules and regulations.

1. Such rules and regulations include the following:

   a) All emission standards and other requirements established in this Regulation or by other laws or regulations of the Commonwealth of Puerto Rico; and

   b) All "Standards of Performance of New Stationary Sources" (SPNSS), "National Emission Standards for Hazardous Air Pollutants (NESHAPS) and any other requirements established by the United States Government pursuant to the Clean Air Act, as amended.

2. Moreover, such rules and regulations shall be deemed to prohibit any emission that, in the judgement of the Board, prevents or interferes with the attainment or maintenance of all applicable ambient air quality standards, including:

   a) Any such standards established in this Regulation or by other laws or regulations of the Commonwealth of Puerto Rico; and

b) The "National Ambient Air Quality Standards" (NAAQS) established pursuant to the Clean Air Act, as amended.

C) Notwithstanding compliance with the applicable rules and regulations cited above, the Board may require any additional emission reductions necessary to attain and/or maintain any NAAQS whenever emissions from existing sources, plus the projected emissions from a new or modified source, or any combination thereof, result, or may result, in a violation of any NAAQS.

D) No person shall install or cause the installation or use of any device or fuel additive or of any means which, without resulting in a reduction in the total amount of air pollutants emitted, conceals or dilutes an emission of air pollutants which would otherwise violate any applicable rules and regulations. Nonetheless, this section does not prohibit the use of any deodorizer or fuel additive, the use of which is required by any other law, regulation, or standard established by any duly constituted governmental authority having jurisdiction, if the effect previously mentioned would not occur.

E) The degree of emission limitations required by any applicable rules and regulations shall not be affected in any manner by:

1. That portion of the stack height of any source which exceeds the "good engineering practice stack height" as defined in Rule 102, or
2. Any other dispersion technique in existance before December 31, 1970.

RULE 402 OPEN BURNING

A) No person shall cause or permit the open burning of refuse. This provision shall become effective on January 11, 1981.

B) No person shall cause or permit salvage operations by open burning.

C) No person shall cause or permit the open burning of agricultural wastes and plant life, except as authorized in Rule 208.

D) Exemptions

Rule 402 shall not apply to open burning for the purpose of:

1. Training or research of fire fighting techniques when conducted at an institutionalized training center, as previously approved by the Board;
2. The melting of lead, tar, or other materials to be used in repair or construction work;
3. Campfires and other fires used solely for recreational or ceremonial purposes or for the outdoor preparation of food;
4. Flares or afterburners used solely as safety measures or as pollution control equipment, provided however,

that such use must comply with other applicable rules and regulations.

RULE 403 VISIBLE EMISSIONS

A) Visible emission restrictions for sources

1. No person shall cause or permit the emission of visible air pollutants of an opacity equal to or greater than 20 per cent.

2. Nevertheless, a person may discharge into the atmosphere from any source, for a period or periods of not more than four (4) minutes in any thirty (30) minute interval, air pollutants of an opacity not greater than 60 per cent.

B) Visible emission restriction for motor vehicles

1. No person shall cause or permit the emission of visible air pollutants from gasoline-powered motor vehicle for longer than 5 consecutive seconds.

2. No person shall cause or permit the emission of visible air pollutants from diesel motor vehicles of an opacity equal to or greater than 20 per cent for longer than 5 consecutive seconds.

C) Opacity limitations for emissions from maritime transports and vessels

1. No person shall cause or permit the emission of air pollutants from any maritime transports and vessels

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while anchored or moored at any port, pier, dock, harbor or bay of Puerto Rico, of an opacity equal to or greater than 20 per cent.

2. Nevertheless, a person may discharge into the atmosphere from a maritime transport or vessel air pollutants of an opacity not greater than 60 percent for not more than four (4) minutes in any thirty (30) minute interval.

RULE 404 FUGITIVE DUST

A) No person shall cause or permit any materials to be handled, transported, or stored- or a building, its appurtenances, or a road to be used, constructed, altered, repaired, or demolished, without taking reasonable precautions to prevent particulate matter from becoming airbone. Such reasonable precautions shall include, but not be limited to, the following:

1. The use, where possible, of water or suitable chemicals for the control of dust in the demolition of existing building or structures, construction operations, quarrying operations, the grading of roads, or the clearing of land:
2. The application of asphalt, water, or suitable chemicals on dirt roads or roads under construction, materials, stockpiles, and other surfaces which can give rise to airbone dust;

3. The installation and use of hoods, fans, and fabric filters to enclose and vent the handling of dusty materials. Adequate containment methods shall be employed during sandblasting or other similar operations;
4. The covering, at all times when in motion, of open bodied trucks transporting materials likely to give rise to airborne dusts;
5. The conduct of agricultural practices, such as the filling of land and the application of fertilizers, in such manner as to prevent dust from becoming airborne;
6. The paving of roadways and their maintenance in a clean condition;
7. The prompt removal of earth or other material from paved streets onto which earth or other material has been transported by trucking or earth moving equipment, by erosion by water, or by other means.
8. The planting or shrubs of trees as a natural barrier, or the installing of metal sheet fences as artificial barriers.
9. The seeding or planting of grass on exposed terrains.

B) No person shall cause or permit the discharge of visible emissions of fugitive dust beyond the boundary line of the property on which the emissions originate.

C) When air pollutants escape from a building or equipment and cause a nuisance or violate any regulations, the Board may order that the building or equipment in which processing, handling, and storage are done, be tightly closed and/or ventilated so that all emissions from the building or equipment are controlled to remove or destroy such air pollutants before being discharged to the open air. The implementation of this measure should not create occupational health hazards.

D) Every area, lot, or part of a piece of land intended for parking with a capacity for accommodating more than 40 vehicles at the same time must be paved with concrete, asphalt, or equivalent hard surface on all its road and parking areas.

E) Any new or modified source, the construction of which causes emissions of fugitive dust, shall apply for a permit as requested in Rule 202.

RULE 405 INCINERATION

A) For an incinerator having a capacity of less than 50 tons/day, no person shall cause or permit the emission of particulate matter in excess of 0.40 pounds per 100 pounds (4 gm/kg.) of refuse charged. For incinerator with a capacity of more than 50 tons/day, the "Standards of

Performance for New Stationary Sources" (SPNSS) shall apply.

B) Emission test shall be conducted at maximum burning capacity of the incinerator.

C) The burning capacity of an incinerator shall be the manufacturer's or designer's guaranteed maximum rate or such other rate as may be determined by the Board in accordance with good engineering practices. In cases of conflict, the determination made by the Board shall govern.

D) For the purpose of subsection A the total of the capacities of all incinerators within one system shall be considered as the incinerator capacity.

E) All incinerators that burn solid refuse shall be of the multiple chamber type or, at the discretion of the Board, of equivalent pollution control efficiency.

F) All incinerators shall be designed, operated, and maintained in such a manner as not to emit particulate matter in excess of the standards specified herein, neither emit objectionable odors as defined in Rule 420, nor violate visible emission restrictions specified in Rule 403.

RULE 406 FUEL BURNING EQUIPMENT

A) No person shall cause or permit the emission, from any fuel burning equipment burning solid or liquid fuel, of particulate matter in excess of 0.30 pounds per million BTU (0.54 gm/10^6 gm-cal) of heat input.

B) For purpose of this Regulation, the heat input shall be the aggregate heat content of all fuels whose products of combustion pass throught a stack or chimney. The heat input value used shall be either the equipment manufacturer's or designer's guaranteed maximum input, whichever is greater. The total heat input of all fuel burning equipment at a source shall be used for determining the maximum allowable amount of particulate matter which may be emitted.

C) With regard to liquid fuel, this Rule shall become effective on August 11, 1980.

RULE 407 PROCESS SOURCES

A) No person shall cause or permit the emission of particulate matter in any one hour from any process source in excess of the amount shown in the following table for the process weight rate allocated to such source.

Process Weight rate (Pounds/hour)	Emission Rate (Pounds/hour)
50	0.36
100	0.55
500	1.53
1,000	2.25
5,000	6.34
10,000	9.73

Process Weight Rate (Pounds/hour)	Emission Rate (Pounds/hour)
20,000	16.00
60,000	40.00
80,000	42.00
120,000	46.00
160,000	49.00
200,000	51.00
400,000	58.00
1,000,000	69.00
2,000,000	78.00
6,000,000	93.00

B) Interpolation of the data in the above table shall be done by the use of proportional interpolation.

C) "Process weight rate" is the total weight of all materials introduced into any specific process in any one hour that may cause any emission of particulate matter. Solid fuels charged will be considered as part of the process weight, but liquid and gaseous fuels and combustion air will not. For a cyclical or batch operation, the process weight per hour will be derived by dividing the total process weight by the number of hours in one complete operation from the beginning of any given process to the completion thereof, excluding any time during which the equipment is idle. For a continuous operation, the process weight per hour will be derived by dividing the process weight for a typical period of time.

D) Where the nature of any process or operation or the design of any equipment is such as to permit more than one interpretation of this regulation, the interpretarion that results in the smallest allowable emission shall apply.

RULE 408 ASPHALTIC CONCRETE BATCHING PLANTS

A) No person shall cause or permit the emission of particulate matter from any asphaltic concrete batching plant in excess of 0.08 grains per dry standard cubic feet.

B) This Rule shall become effective on August 11, 1980.

RULE 409 NON-PROCESS SOURCES

A) No person shall cause or permit the emission of particulate matter in any one hour in excess of 0.01 pound per pound of such pollutant emitted exclusive of any type of control equipment, or ninety-nine percent (99%) control efficiency from any non-process source located in or significantly impacting a non-attainment area. This provision shall become effective on August 11, 1980.

B) No person shall cause or permit the emission of particulate matter in any one hour in excess of 0.05 pound per pound of such pollutant emitted exclusive of any type of control equipment of ninety-five percent (95%) control efficiency from any non-process source.

C) If an owner or operator can adequately demonstrate to the Board that the particulate matter limitations imposed by sections A or B of this Rule cannot be measured or certified with required assurance, the Board may approve an equivalent control devices or requirements for such source.

RULE 410 MAXIMUM SULFUR CONTENT IN FUELS

A) No person shall burn or permit burning in any fuel burning equipment on which construction has commenced after the effective date of this Rule, any fuel with a sulfur content, by weight, which exceeds 2.5 provided that the National Ambient Air Quality Standards (NAAQS) will not be exceeded.

B) Fuel Burning Equipment with a capacity of less than 8 MM BTU/Hr. will automatically be assigned 2.5 percent sulfur content by weight in the fuels burned.

C) Fuel Burning Equipment with a capacity of equal or greater than 8 MM BTU/hr. must request a sulfur percent assignment from the Board.

D) The Board may authorize the burning of fuels with a percentage of sulfur lower than the values set forth in Section B, PROVIDED that such lower percentage shall become an enforceable condition upon approval of a permit to construct or a permit to operate the source.

E) Any percentage of sulfur in fuel authorized by means of a Resolution and/or an Order by the Board issued prior to the effective date of this Rule shall remain in effect unless modified in accordance with the provisions of Rule 209. Nevertheless owners or operators of exiting sources with as assignment which exceeds 2.5% shall, no later than one (1) year after the effective date of this Rule, comply with the requirements of section A of this Rule.

F) Upon assignment by the Board of the allowed percentage of sulfur in fuels, the owner or operator of the source shall submit a monthly report indicating on a daily basis the sulfur content in the fuels burned or combusted by such source during the reporting period, including all other information as may be required by the Board.

RULE 411 HYDROGEN SULFIDE

No person shall cause or permit the emission of hydrogen sulfide, which would cause ground level concentrations equal to or greater than 0.1 ppm (1 hour average) or 0.03 ppm (24 hour average). This Rule shall not prohibit emergency releases necessary for safety which are reported to the Board in the manner described in Rule 105. Neither will this Rule be applicable when adequately demonstrated to the Board prior to the issuance of any permit that the manufacturing processes requires high ventilation rates due to health, safety and other considerations inherent to the process.

RULE 412 SULFUR DIOXIDE EMISSIONS; GENERAL

No person shall cause or permit the emission of sulfur compounds, expressed as sulfur dioxide (SO_2), in excess of 1,000 ppm, by volume, at standard conditions from any source not specifically covered by applicable rules and regulations.

RULE 413 SULFURIC ACID PLANTS

No person shall cause or permit sulfur dioxide emissions which exceed 3.25 kilograms per metric tons (6.5 lbs/ton) of 100 percent acid produced.

RULE 414 SULFUR RECOVERY PLANTS

No person shall cause or permit the emission of sulfur oxides, calculated as sulfur dioxide, from a sulfur recovery plant in excess of 0.10 pounds (lb.) per pound (lb.) of sulfur processed.

RULE 415 NONFERROUS SMELTERS

No person shall cause or permit the emission of sulfur oxides, calculated as sulfur dioxide, from primary nonferrous smelters in excess of the values set forth in the following equations:

Cooper smelters	$Y = 0.1X$
Zinc smelters	$Y = 0.564\ X^{0.85}$
Lead smelters	$Y = 0.98\ X^{0.77}$

where X is the total sulfur fed to the smelter in Kg./hr. and Y is the allowable sulfur dioxide emissions in Kg./hr.

RULE 416 SULFITE PULP MILLS

No person shall cause or permit the total sulfite pulp mill emissions of sulfur oxides, calculated as sulfur dioxide, from blow pits, washer vents, storage tanks, digester relief, recovery systems, etc., in excess of 4.5 Kg./air dried metric ton (9.0 lbs/air dried ton) of pulp produced.

RULE 417 STORAGE OF VOLATILE ORGANIC COMPOUNDS

No person shall place, store, or hold in any stationary tank, reservoir, or other container of more than 151,412 liters (40,000 gallons) capacity any volatile organic compounds unless such tank, reservoir, or other container is a pressure tank capable of maintaining working pressures sufficient, under normal operating conditions, to prevent vapor or gas loss to the atmosphere, or unless it is designed and equipped with one of the following vapor loss control devices:

A) A floating roof, consisting of a pontoon type, double deck type roof or internal floating cover, which will rest on the surface of the liquid contents to be equipped with a closure seal or seals to close the space between the roof edge and tank wall. This control equipment shall not be permitted if the volatile organic compounds have a vapor pressure of 568 mm Hg. (11.0 pounds per square inch absolute) or greater under actual storage conditions. All tank gauging or sampling devices shall be gas-tight, except when tank gauging or sampling is taking place.

B) A vapor recovery system, consisting of a vapor gathering system capable of collecting the volatile organic compounds, vapors, and gases discharged, and a vapor disposal system capable of processing such volatile organic vapors and gases so as to prevent their emission to the atmosphere and with all tank gauging and sampling devices gas-tight except when gauging or sampling is taking place.

C) Other equipment or means of equally acceptable efficiency for purposes of air pollution control as may be approved by the Board.

RULE 418 WASTE GAS DISPOSAL

No person shall cause or permit the emission of more than 6.8 kg. (15 pounds) per day of waste gas from any ethylene producing or consuming plant or other ethylene emission source unless the waste gas stream is properly burned at 704 °C (1300 °F) for 0.3 second or greater in a direct flame afterburner or burned in a smokeless flare or an equally effective device as approved by the Board.

This provision shall not apply to:

1) emergency reliefs,
2) vapor blowdown systems;
✓ 3) in case of existing sources, to sources or processes which comply with RACT; and
4) in case of new sources, to source or processes which comply with BACT.

RULE 419 ORGANIC SOLVENTS

A) No person shall cause or permit the emission of 1.36 kg. (3 pounds) or organic solvents or organic compounds in any one hour, nor of more than 6.8 kg. (15 pounds) in any one day, from any article, machine, equipment, or other contrivance unless such article, machine, equipment or contrivance is provided with a acceptable ventilation on control system, or both, as approved by the Board.

B) Any series of articles, machines, equipment, or other contrivances designed for processing a continuously moving sheet, web, strip, or wire which is subject to any combination of operations shall be collectivelly subject to compliance with applicable provisions of this Rule.

C) Emission of organic solvents from the clean-up with organic solvents shall be included along with the other emissions of organic solvents from that article, machine, equipment, or other contrivance for determining compliance with this Rule.

D) This Rule shall not apply to:

1. The manufacture of organic solvents;
2. The use of equipment for which other requirements are specified by Rules 417 to 418, or which are exempted from air pollution control requirements by said Rules.
3. The spraying or other employment of insecticides, pesticides, or herbicides.
4. Industrial surface coating operations where adequate ventilation is inherent to the process in facilities built prior to the adoption of this Rule and compliance with RACT is achieved and when the coating's solvent make-up is water - based and does not exceed 20 percent of organic solvents by volume.

E) Exemptions

Open ponds or lagoons of liquid containing organic solvents used for the sole purpose of waste water treatment or related equipment are exempted from the strict application of this Rule, PROVIDED that the provisions of Rule 420 are not violated.

RULE 420 OBJECTIONABLE ODORS

A) General

1. No person shall cause or permit emission to the atmosphere of matter which produces an "objectionable" odor that can be perceived on an area other than that designated for industrial purposes.
2. The odors emanating from the following shall not be considered in violation of this Rule:
    (1) trees, bushes, plants, flower grass,
    (2) domestic gardening and agriculture processes, such as the use of fertilizer (except sugar cane waste)

B) Objectionable Odors

For the purpose of this Rule, an odor shall be considered "objectionable" when the consensus of a group of at least five (5) qualified individuals, chosen by the Board, indicates the odor as "objectionable" when exposed to it.

C) Odor concentrations can be measured in accordance with the American Society for Testing and Materials Standards D-1391 57 "Standard Method for Measurement of Odor in Atmosphere (Dilution Method) or an equivalent method.

RULE 421 INCREMENT OF PROGRESS

A) No person shall operate or cause the operation of any major source, if such person fails to achieve any scheduled increment of progress, established pursuant to Rule 204, Rule 205, or to an enforcement order from the Board.

B) The major source may be operated beyond the limitation in Section A of this Rule, PROVIDED an application for modification of the schedule of increments of progress has been submitted and a temporary permit to operate has been granted by the Board, in accordance with Rules 204 and 205.

RULE 422 AIR POLLUTION CONTROL EQUIPMENT

No person shall cause or permit, without the prior authorization of the Board, the rendering of any air pollution control equipment or measure unserviceable or inoperable or the by-passing of the same, or the modification, change, or alteration of the manufacturer's specification or of the conditions under which the equipment or measure was approved by the Board.

PART V - FEES

REGULATION V - FEES

RULE 501 - FEES

This Rule requires that fees be paid for:

1) Filing a permit application for:
    - a. Location approval
    - b. Compliance plan
    - c. Permit to construct
    - d. Permit to operate
    - e. Temporary permit to operate
    - f. Modification of permit conditions
    - g. Variances
    - h. Revision or modification of permit or compliance plan
2) Permits for:
    - a. Location approval
    - b. Permit to construct
    - c. Permit to operate
    - d. Revision or modification of a Permit or compliance plan
3) Transfer or Ownership or Change of Location of:
    - a. Location approval
    - b. Permit to construct
    - c. Permit to operate
    - d. Variances

4) Renewal of:

Permit to Operate

A) Filling Fee

1) Every applicant filling an application for a permit, permit renewal, fuel assignment, or for a modification shall pay a filling fee of $15.00

2) If an application for a permit or approval is canceled or denied, and such denial becomes final, the filling fee required herein shall not be refunded.

B) Permit Fee

1) An applicant who submits an application for a location approval or a permit to construct in regard to any source, shall pay the permit fee in addition to the filling fee, for the amount prescribed in the shedules set forth in Section D.

2) In case of a proposed new major source or major modification, whatever amount is determined from Section D shall be multiplied by 1.5 to cover both the location approval and the permit to construct.

3) If more than one fee schedule is applicable to a permit or an approval application, the governing schedule shall be that which results in the higher fee.

4) The filling fee and the permit fee shall be deposited together.

5) When an application for a permit or approval is canceled or denied, and such denial becomes final, the permit fee required herein shall be retained by the Board.

C) RENEWAL FEE:

1) All permits to operate shall be renewable upon their expiration date. Sixty days before such date, and together with the application for renewal of a permit to operate, the permittee shall pay a renewal fee as required by Rule 204.

2) The renewal fee for a permit to operate shall be 50 percent of the amount shown in the schedules set forth in Section D, except for major sources, for which the renewal fee shall be 65 percent of the applicable schedule in Section D.

D) Schedules for Permit Fees and Permit Renewal Fees

1) Schedule I: Motor Horsepower

Any source using motors in its operation shall be assessed a permit fee based on the cummulative total rated horsepower of all motors included, except motor vehicles, in accordance with the following schedules:

	HORSEPOWER	PERMIT FEE
(A)	up to and including 5	$ 5.00
(B)	from 6 to 15	10.00
(C)	15 to 45	20.00
(D)	46 to 65	50.00
(E)	66 to 125	80.00
(F)	126 to 200	110.00
(G)	201 to 400	140.00
(H)	for each additional 300 or fraction	100.00

2) Schedule II: Fuel Burning Equipment

Fuel burning equipment, with the exception of those incinerators for solid wastes covered in Schedule IV, shall be assessed a permit fee based upon the design fuel consumption of the equipment, expressed in thousands of British Thermal Units (BTU) per hour based on the cummulative total, using the gross heating values of the fuel, in accordance with the following schedule:

	10 BRITISH THERMAL UNITS PER HOUR	PERMIT FEE
(A)	up to and including 150	5.00
(B)	from 151 to 400	10.00
(C)	401 to 650	20.00
(D)	651 to 1,500	50.00
(E)	1,501 to 5,000	80.00
(F)	5,001 to 15,000	110.00
(G)	15,001 to 50,000	140.00
(H)	50,001 to 100,000	200.00

(I)	100,000 to 200,000.............	300.00
(J)	for each additional 200,000 or fraction	100.00

3) Schedule III: Electrical Energy

Any source which uses electrical energy, in a process which causes or may cause the emission of air pollutants with the exception of motors covered in Schedule I, shall be assessed a permit fee based on the total kilovolt ampere (KVA) ratings in accordance with the following schedule:

KILOVOLT AMPERE		PERMIT FEE
(A)	up to and including 20	5.00
(B)	from 21 to 40	10.00
(C)	41 to 145	20.00
(D)	146 to 450	50.00
(E)	451 to 4,500	80.00
(F)	4,501 to 14,500	110.00
(G)	14,501 to 45,000	140.00
(H)	for each additional 20,000 or fraction	100.00

4) Schedule IV: Solid Waste Incinerators

Any solid waste incinerator used primarily to dispose of combustible refuse by wholly consuming the materials charged, leaving only ashes or residues, shall be assessed a permit fee based on the following schedule of the maximum horizontal inside cross sectional area (in square feet) of the primary combustion chamber:

AREA, IN SQUARE FEET		PERMIT FEE
(A)	up to and including 3	5.00
(B)	from 4 to 5	10.00
(C)	5 to 7	20.00
(D)	8 to 10	50.00
(E)	11 to 15	80.00
(F)	16 to 23	110.00
(G)	24 to 40	140.00
(H)	for each additional 20 or fraction....	100.00

5) Schedule V: Stationary Container for Volatile Organic Compound and Acids

A stationary tank, reservoir, or other container used for the storage of volatile organic compounds and/or acids shall be assessed a permit fee according to the following schedule based on cummulative total capacity in gallons,

	GALLONS	PERMIT FEE
(A)	from 4,001 to 10,000	5.00
(B)	from 10,001 to 40,000	10.00
(C)	from 40,001 to 100,000	20.00
(D)	from 100,000 to 400,000	25.00
(E)	from 400,001 to 1,000,000	80.00
(F)	from 1,000,001 to 1,500.00	110.00
(G)	from 1,550,001 to 2,000,000	140.00
(H)	additional 500,000 or fraction	100.00

6) Schedule VI: Miscellaneous

Any equipment or air pollution source which could not be assessed by any of the preceeding schedules shall be assessed a permit fee of $25.00.

E) Permit Fee Exceptions

Notwithstanding the provisions of section (D) of this Rule, permits for the following sources shall be assessed a permit fee of $25.00.

1) Each permit for a dry cleaning plant having a steam generator capacity equal to or less than 60 horsepower.

2) Equipment used as steam generators, steam super heaters, water boilers, water heaters, and closed heat transfer systems that have a heat input of less than 2,016,000 kilogram calories (8,000,000 BTU) per hour, gross fired exclusively with natural gas, liquid petroleum gas, propane, or any combination thereof.

3) Equipment with a capacity of less than 3,785 liters (1000 gallons), used exclusively to mix solvents and/or surface coatings.

4) Vapor degreasing equipment using non-photochemically reactive organic materials only.

5) Car paint and body shops with a shop area equal to or less than 600 square feet.

F) Fees relative to Transfer of Ownership or to Change of Location: Whenever an application is filed for a permit because the source has been moved to a new location, or whenever ownership has been tranferred from one person to another and a permit or approval has previously been granted for such a source and no alteration or addition has been or is being made, the applicant shall pay the fee provided in Section A) and a permit fee equivalent to 50 percent of the permit fee, as set forth in Section D of this Rule.

G) Fees for Duplicate Permits or Approvals
A request for a duplicate permit, approval, or assignment shall be made in writing by the permittee after the destruction, loss, or defacement of a permit document. A fee of $10.00 shall be charged for issuing a duplicate permit.

H) Fees For Revisions
For a request for the revision of a permit to construct, of a compliance plan, or of a permit to operate, the applicant shall pay one-eighth (1/8) of the fee provided in Section B .

RULE 502 - EXCESS EMISSION FEE

A) Each applicant for a variance shall pay, in addition to the filing fee required in Rule 501, an emissions fee based on the total amount of emissions discharged during the variance period in excess of that allowed by the applicable rules and regulations, In accordance with the schedule set forth in Table V-1.

B) In case of a variance of less than 90 days, the excess emission fee shall be 50 percent of those set forth in Table V-1

C) Maximum Fees

The total excess emission fees required by Section A) shall not exceed $75 per day. The emission fees required by Section B) of this Rule shall not exceed $20 per day.

D) Applicability

1. The provisions of Section A) and Section B) shall not apply in the case of emergency variances provided for in Rule 302.
2. The provisions of Section A) shall apply only to those rules that specify quantitative emission limits.

E) Fee Determination

1. The excess emission fees shall be calculated based upon the requested number of days of operation under variance, multiplied by the expected excess emissions, as set forth in Section A) above. The calculations and proposed fees shall be set forth in the application.
2. The Board may adjust the excess emission fee required by sections A) and B) of this rule based on evidence regarding emissions presented at the time of the application consideration.

F) Adjustment of Fees

If after the term of a variance for which excess emissions fees have been paid, the applicant can establish, to the satisfaction of the Board, that emissions were actually less than those upon which the fee was based, a prorrata refund shall be made.

G) Excess Emission Fee Refunds

In the event that the application is withdrawn, or the variance is denied, the petitioner shall be entitled to a full refund of the excess emission fee or fees.

H) Small Business

1) A small business shall pay one-half of the fees required by sections A) and B).

2) A request for exception as a small business shall be made by the applicant, under penalty of perjury, on a declaration form provided by the Board which shall be submitted together with the variance application.

TABLE V-1

Schedule of Excess Emission Fees

Air Contaminant or Parameter	Fees
Total organic gases except those containing sulfur	$4/Ton
Carbon Monoxide	$0.20/Ton

Oxides of nitrogen (expressed as nitrogen dioxide)	$4/Ton
Gaseous Sulfur compounds (expressed as sulfur dioxide)	$3/Ton
Particulate matter	$3/Ton
Opacity	(opacity percent minus 20) times (number of days) times ($0.10)

RULE 503 - TEST FEES

A) When the Board deems necessary, it may conduct a performance test of a source in order to determine the extent and amount of air pollutants being discharged into the ambient air, and the degree of compliance with permit conditions, and applicable rules and regulations.

B) In such case, the Board shall notify the owner or operator of the source of its intentions, and shall request the facilities or appurtenances necessary for carrying out the test.

C) The owner or operator of the source shall pay a fee for the performance test, in accordance with the schedule of fees in Table V-2, PROVIDED that when the results of such tests find the source in compliance with applicable rules and regulations, the test fee shall be 50 percent of the amount set forth in Table V-2.

TABLE V-2

Contaminant	Basic Fee [1]	Surcharge for Each Additional Station
Particulates	$400.00	$150.00
Oxides of Sulfur	300.00	130.00
Special (such as hydrogen sulfide, acid mist, etc...)	300.00	130.00

[1] Includes one sampling station. "Sampling station" means a designated place or location from which a sample is extracted for measurement or analysis.

D) After completing the test, the owner or operator of a source shall be notified in writing by the Board of the fees to be paid for such tests. Nonpayment of the test fees within 30 days of such notice shall result in cancelation of any application or permit to operate the source tested. Upon payment of such fees, the owner or operator shall receive one copy of the tested source report.

RULE 504 - MODIFICATION FEE FOR SULFUR CONTENT IN FUELS

A) Whenever required by the Board, an applicant for a modification of the allowed percentage of sulfur in fuels shall pay a modification fee in the amount prescribed in section C of this Rule.

B) The modification fee required herein shall be deposited together with the application for modification of sulfur content in fuels, and it shall not be refunded, unless the application is withdrawn before the Board has initiated its consideration for modification, in which case the Board shall refund 75% of the deposited amount.

C) Schedules for Modification Fee

Modification fees are based on air basins and on the nature of the application submitted.

1) Schedule I: Basic Grid Systems

a) Any application for modification of the allowed percentage of sulfur shall be assessed according to the existing air basin basic grid system for the area in which the source is located:

TABLE V-3

BASIC GRID SYSTEM	BASIC FEE
Aguada	$ 400.00
Aguadilla	400.00
Aguas Buenas	400.00
Aguirre	6,000.00
Arecibo	1,500.00
Arroyo	400.00
Barceloneta	1,600.00
Bayamón	2,000.00
Caguas	1,000.00
Carolina	1,000.00
Cataño	6,500.00
Ceiba	500.00
Coamo	500.00
Comerío	500.00
Culebra	800.00
Dorado	1,000.00
Ensenada	800.00
Guayanilla	7,000.00
Guaynabo	1,000.00
Guánica	800.00
Hatillo	500.00

Humacao	800.00
Isabela	600.00
Manatí	1,800.00
Mayaguez	2,000.00
Orocovis	500.00
Peñuelas	800.00
Ponce	2,000.00
San Juan	2,000.00
Santa Isabel	600.00
San Sebastian	600.00
Toa Baja	600.00
Vega Alta	600.00
Vega Baja	1,200.00
Yabucoa	3,000.00
Vieques	500.00

b) if the site of the source is not covered by the existing basic grid system, the Board shall notify the applicant of the modification fee within 30 days after the submittal of the application.

c) The basic fee is on a per trial basis.